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SELECTED AND ARRANGED BY

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Division of Latin American Affairs
Department of State

Editor of DIPLOMATIC CORRESPONDENCE OF THE UNITED STATES CONCERNING THE INDEPENDENCE OF THE LATIN AMERICAN NATIONS,
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PREFACE

This volume is composed of documents, relative to the Central American countries, written during the last of the three decades embraced within the chronological limits of this publication. The preface of the third volume (which is confined to similar documents written during the first two of the three decades) applies also to this volume, the subdivision into two having been made because the bulk of the pertinent documentary material was too great for one of convenient size. The general preface in the first volume, it may be excusable to repeat, applies equally to all.

It will be observed that, in this, and subsequent volumes, the dates on which despatches and incoming notes reached the Department of State are indicated, except in the few cases of documents on which, contrary to practice, either the receipt dates were not endorsed or from which they have been clipped in the binding process or have otherwise disappeared. These dates will enable readers to determine whether, in formulating a policy embodied in a given outgoing document, the Secretary of State probably had seen a particular incoming document which might, or should, have had an influence in determining the policy. Due partially to a misunderstanding, and partially to inadvertence, the receipt dates of such documents have not, it is regretted, been indicated in the first three volumes. The Department's file copies of outgoing documents, it is probably needless to add, do not, of course, bear such endorsements.

WILLIAM R. MANNING.

April, 1931.

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1271	Same	Same	July 28, 1854	413
1272	Same	Same	Aug. 8, 1854	414

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1273	Felipe Molina, Salvadoran Minister to the U. S.	William L. Marcy, Sec. of State	Oct. 25, 1854	418
1274	Same	Same	Nov. 4, 1854	419
1275	Henry Savage, in charge of the legation of the U. S. in Guatemala	Same	Nov. 10, 1854	422
1276	José de Marcoleta, Nicaraguan Minister to the U. S.	Same	Nov. 22, 1854	425
1277	Henry Savage, in charge of the legation of the U. S. in Guatemala	Same	Dec. 1, 1854	427
1278	José de Marcoleta, Nicaraguan Minister to the U. S.	Same	Dec. 11, 1854	429
1279	Felipe Molina, Costa Rican Minister to the U. S.	Same	Dec. 13, 1854	431
1280	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	Dec. 22, 1854	432
1281	José de Marcoleta, Nicaraguan Minister to the U. S.	Same	Dec. 27, 1854	433
1282	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	Jan. 2, 1855	434
1283	Same	Same	Jan. 15, 1855	435
1284	José de Marcoleta, Nicaraguan Minister to the U. S.	Same	Jan. 16, 1855	436
1285	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	Feb. 19, 1855	445
1286	José de Marcoleta, Nicaraguan Minister to the U. S.	Same	March 14, 1855	446
1287	Same	Same	March 18, 1855	450
1288	John H. Wheeler, U. S. Minister Resident in Nicaragua	Mateo Mayorga, Minister of Foreign Affairs of Nicaragua	April 10, 1855	451
1289	Same	William L. Marcy, Sec. of State	April 11, 1855	452

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1290	Mateo Mayorga, Minister of Foreign Affairs of Nicaragua	John H. Wheeler, U. S. Minister Resident in Nicaragua	April 27, 1855	453
1291	Same	Same	April 27, 1855	454
1292	John H. Wheeler, U. S. Minister Resident in Nicaragua	Mateo Mayorga, Minister of Foreign Affairs of Nicaragua	April 30, 1855	455
1293	Same	William L. Marcy, Sec. of State	May 1, 1855	456
1294	Same	Same	May 5, 1855	456
1295	José de Marcoleta, Nicaraguan Minister to the U. S.	Same	May 9, 1855	457
1296	Same	Same	May 24, 1855	460
1297	John H. Wheeler, U. S. Minister Resident in Nicaragua	Mateo Mayorga, Minister of Foreign Affairs of Nicaragua	May 25, 1855	461
1298	Same	William L. Marcy, Sec. of State	June 1, 1855	463
1299	José de Marcoleta, Nicaraguan Minister to the U. S.	Same	June 1, 1855	463
1300	Same	Same	June 2, 1855	464
1301	Same	Same	June 2, 1855	466
1302	Same	Same	June 2, 1855	467
1303	John H. Wheeler, U. S. Minister Resident in Nicaragua	Mateo Mayorga, Minister of Foreign Affairs of Nicaragua	June 18, 1855	467
1304	Mateo Mayorga, Minister of Foreign Affairs of Nicaragua	John H. Wheeler, U. S. Minister Resident in Nicaragua	June 21, 1855	469
1305	John H. Wheeler, U. S. Minister Resident in Nicaragua	William L. Marcy, Sec. of State	July 1, 1855	470
1306	José de Marcoleta, Nicaraguan Minister to the U. S.	Same	Aug. 11, 1855	473
1307	Same	Same	Sept. 7, 1855	475
1308	Same	Same	Sept. 15, 1855	478
1309	John H. Wheeler, U. S.	Same	Sept. 21, 1855	478

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1311	John H. Wheeler, U. S. Minister Resident in Nicaragua	William L. Marcy, Sec. of State	Oct. 10, 1855	481
1312	Same	Same	Oct. 14, 1855	481
1313	Same	Same	Oct. 23, 1855	482
1314	Same	Same	Oct. 30, 1855	484
1315	Same	General Máximo Jerez, Acting Minister of Foreign Affairs of Nicaragua	Nov. 2, 1855	485
1316	Same	William L. Marcy, Sec. of State	Nov. 8, 1855	485
1317	Same	Same	Nov. 12, 1855	487
1318	Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the U. S.	Same	Nov. 30, 1855	488
1319	John L. Marling, U. S. Minister Resident in Guatemala	Same	Dec. 1, 1855	490
1320	Luis Molina, Costa Rican Chargé d'Affaires at Washington	Same	Dec. 6, 1855	491
1321	José de Marcoleta, Nicaraguan Minister to the U. S.	Same	Dec. 8, 1855	493
1322	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	Dec. 15, 1855	494
1323	Parker H. French, designated Nicaraguan Minister to the U. S.	Same	Dec. 19, 1855	496
1324	Luis Molina, Costa Rican Chargé d'Affaires at Washington	Same	Dec. 20, 1855	497
1325	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	Dec. 24, 1855	499
1326	Same	Same	Dec. 24, 1855	500
1327	Same	Same	Jan. 15, 1856	503
1328	Parker H. French, designated Nicaraguan Minister to the U. S.	Same	Jan. 18, 1856	503

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1330	John H. Wheeler, U. S. Minister Resident in Nicaragua	William L. Marcy, Sec. of State	Jan. 25, 1856	504
1331	Same	Same	Feb. 26, 1856	506
1332	Same	Same	March 17, 1856	509
1333	Same	Same	March 31, 1856	509
1334	Luis Molina, Costa Rican Chargé d'Affaires at Washington	Same	April 8, 1856	512
1335	John H. Wheeler, U. S. Minister Resident in Nicaragua	Juan R. Mora, Pres. of Costa Rica	April 15, 1856	514
1336	Same	William L. Marcy, Sec. of State	April 17, 1856	515
1337	José de Marcoleta, Nicaraguan Minister to the U. S.	Same	April 26, 1856	517
1338	Luis Molina, Costa Rican Chargé d'Affaires at Washington	Same	May 2, 1856	521
1339	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	May 3, 1856	523
1340	Luis Molina, Costa Rican Chargé d'Affaires at Washington	Same	May 6, 1856	523
1341	Agustín Vijil, Special Representative of the Pres. of Nicaragua	Same	May 14, 1856	525
1342	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	May 15, 1856	527
1343	Same	Same	May 16, 1856	528
1344	Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the U. S.	Same	May 19, 1856	529
1345	Luis Molina, Costa Rican Chargé d'Affaires at Washington	Same	May 22, 1856	533
1346	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	June 15, 1856	536
1347	Same	Same	[illegible]	

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1348	General Máximo Jerez, Acting Minister of Foreign Affairs of Nicaragua	William L. Marcy, Sec. of State	July 3, 1856	538
1349	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	July 15, 1856	543
1350	John L. Richmond, Undersecretary of State of Nicaragua	John H. Wheeler, U. S. Minister Resident in Nicaragua	July 22, 1856	545
1351	Patricio Rivas, Pres. of Nicaragua	Franklin Pierce, Pres. of the U. S.	July 24, 1856	549
1352	Sebastián Salinas, Minister of Foreign Affairs of Nicaragua	William L. Marcy, Sec. of State	Aug. 1, 1856	550
1353	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	Aug. 2, 1856	551
1354	John P. Heiss, Nicaraguan Minister to the U. S.	Same	Aug. 3, 1856	559
1355	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	Aug. 10, 1856	561
1356	Sebastián Salinas, Minister of Foreign Affairs of Nicaragua	Same	Aug. 12, 1856	565
1357	Appleton Oaksmith, designated Nicaraguan Minister to the U. S.	Same	Aug. 15, 1856	566
1358	Same	Same	Aug. 21, 1856	566
1359	Same	Same	Aug. 21, 1856	567
1360	Same	Same	Aug. 23, 1856	568
1361	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	Aug. 25, 1856	569
1362	Appleton Oaksmith, designated Nicaraguan Minister to the U. S.	Same	Aug. 26, 1856	570
1363	Same	Same	Sept. 1, 1856	571
1364	Same	Same	Sept. 4, 1856	572
1365	Same	Same	Sept. 18, 1856	572
1366	Agustín Vijil, Nicaraguan Minister to	Same	Sept. 29, 1856	573

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1367	John H. Wheeler, U. S. Minister Resident in Nicaragua	William L. Marcy, Sec. of State	Sept. 30, 1856	573
1368	Antonio José de Irisarri, designated Nicaraguan Minister to the U. S.	Same	Oct. 16, 1856	574
1369	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	Oct. 23, 1856	574
1370	Antonio José de Irisarri, designated Nicaraguan Minister to the U. S.	Same	Oct. 30, 1856	575
1371	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	Nov. 1, 1856	576
1372	Pedro y Selva, designated Nicaraguan Chargé d'Affaires at Washington	Same	Nov. 3, 1856	577
1373	Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the U. S.	Same	Dec. 5, 1856	578
1374	Pedro Cárdenas, Minister of Foreign Affairs of Nicaragua	Same	Dec. 30, 1856	579
1375	Henry Savage, in charge of the legation of the U. S. in Guatemala	Same	Dec. 30, 1856	581
1376	Luis Molina, Costa Rican Chargé d'Affaires at Washington	Same	Jan. 3, 1857	583
1377	Henry Savage, in charge of the legation of the U. S. in Guatemala	Same	Jan. 16, 1857	584
1378	John H. Wheeler, U. S. Minister Resident in Nicaragua	Same	Feb. 24, 1857	584
1379	Same	Franklin Pierce, Pres. of the U. S.	March 2, 1857	585
1380	Antonio José de Irisarri			

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1381	William C. Jones, Special Agent of the U. S. to Central America	Lewis Cass, Sec. of State	June 7, 1857	586
1382	Tomás Martínez and Gen. Máximo Jerez, Presidents of Nicaragua	James Buchanan, Pres. of the U. S.	July 27, 1857	587
1383	William C. Jones, Special Agent of the U. S. to Central America	Lewis Cass, Sec. of State	Aug. 3, 1857	589
1384	Antonio José de Irisarri, designated Nicaraguan Minister to the U. S.	Same	Aug. 14, 1857	591
1385	Same	Same	Aug. 24, 1857	591
1386	Same	Same	Aug. 27, 1857	592
1387	Same	Same	Sept. 2, 1857	594
1388	William C. Jones, Special Agent of the U. S. to Central America	Same	Sept. 5, 1857	596
1389	Henry Savage, in charge of the legation of the U. S. in Guatemala	Same	Sept. 10, 1857	600
1390	Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the U. S. and Luis Molina, Costa Rican Chargé d'Affaires at Washington	Same	Sept. 14, 1857	601
1391	William C. Jones, Special Agent of the U. S. to Central America	Same	Sept. 14, 1857	601
1392	Luis Molina, Costa Rican Chargé d'Affaires at Washington	Same	Sept. 22, 1857	602
1393	J. B. Purroy	Same	Sept. 22, 1857	603
1394	Antonio José de Irisarri, designated Nicaraguan Minister to the U. S.	Same	Sept. 25, 1857	604
1395	Same	Same	Sept. 28, 1857	605

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1396	William C. Jones, Special Agent of the U. S. to Central America	Lewis Cass, Sec. of State	Sept. 28, 1857	606
1397	Same	Same	Oct. 2, 1857	607
1398	Henry Savage, in charge of the legation of the U. S. in Guatemala	Same	Oct. 2, 1857	608
1399	Antonio José de Irisarri, designated Nicaraguan Minister to the U. S.	Same	Oct. 8, 1857	609
1400	Same	Same	Oct. 16, 1857	610
1401	Gregorio Juárez, Minister of Foreign Affairs of Nicaragua	William C. Jones, Special Agent of the U. S. to Central America	Oct. 16, 1857	612
1402	William C. Jones, Special Agent of the U. S. to Central America	Gregorio Juárez, Minister of Foreign Affairs of Nicaragua	Oct. 17, 1857	613
1403	Henry Savage, in charge of the legation of the U. S. in Guatemala	Lewis Cass, Sec. of State	Oct. 17, 1857	617
1404	Gregorio Juárez, Minister of Foreign Affairs of Nicaragua	William C. Jones, special Agent of the U. S. to Central America	Oct. 21, 1857	617
1405	William C. Jones, Special Agent of the U. S. to Central America	Gregorio Juárez, Minister of Foreign Affairs of Nicaragua	Oct. 21, 1857	620
1406	Same	Lewis Cass, Sec. of State	Nov. 2, 1857	621
1407	Antonio José de Irisarri, Nicaraguan Minister to the U. S.	Same	Nov. 9, 1857	625
1408	Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the U. S.	Same	Nov. 10, 1857	627
1409	Antonio José de Irisarri, Nicaraguan	Same	Nov. 17, 1857	629

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1412	Antonio José de Irisarri, Nicaraguan Minister to the U. S.	Lewis Cass, Sec. of State	Dec. 13, 1857	636
1413	Same	Same	Dec. 18, 1857	636
1414	Same	Same	Dec. 30, 1857	638
1415	William C. Jones, Special Agent of the U. S. to Central America	Same	Jan. 1, 1858	640
1416	Antonio José de Irisarri, Nicaraguan Minister to the U. S.	Same	Jan. 2, 1858	642
1417	Antonio José de Irisarri, Nicaraguan, Guatemalan, and Salvadoran Minister to the U. S.	Same	Jan. 11, 1858	643
1418	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Same	Jan. 19, 1858	645
1419	Antonio José de Irisarri, Nicaraguan Minister to the U. S.	Same	Jan. 27, 1858	645
1420	William C. Jones, Special Agent of the U. S. to Central America	Same	Jan. 30, 1858	647
1421	Antonio José de Irisarri, Nicaraguan Minister to the U. S.	Same	Feb. 2, 1858	657
1422	Same	Same	Feb. 15, 1858	658
1423	Same	Same	Feb. 15, 1858	659
1424	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Same	Feb. 26, 1858	659
1425	William C. Jones, Special Agent of the U. S. to Central America	Gregorio Juárez, Minister of Foreign Affairs of Nicaragua	Feb. 27, 1858	661
1426	Gregorio Juárez, Minister of Foreign Affairs of Nicaragua	William C. Jones, Special Agent of the U. S. to Central America	Feb. 27, 1858	663
1427	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Lewis Cass, Sec. of State	March 27, 1858	663

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1428	William C. Jones, Special Agent of the U. S. to Central America	Lewis Cass, Sec. of State	March 31, 1858	664
1429	Same	Same	April 7, 1858	666
1430	Antonio José de Irisarri, Nicaraguan Minister to the U. S.	Same	April 16, 1858	667
1431	Same	Same	April 22, 1858	670
1432	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Same	April 28, 1858	671
1433	Antonio José de Irisarri, Nicaraguan and Guatemalan Minister to the U. S.	Same	May 8, 1858	674
1434	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Same	May 15, 1858	675
1435	Same	Same	May 26, 1858	675
1436	Same	Same	May 28, 1858	676
1437	Antonio José de Irisarri, Nicaraguan Minister to the U. S.	Same	May 30, 1858	679
1438	Same	Same	June 14, 1858	680
1439	Same	Same	June 16, 1858	681
1440	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Same	June 24, 1858	682
1441	Same	Same	June 26, 1858	686
1442	Antonio José de Irisarri, Nicaraguan, Guatemalan, and Salvadoran Minister to the U. S.	Same	June 28, 1858	687
1443	Same	Same	June 30, 1858	687
1444	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Same	July 3, 1858	688
1445	Same	Same		

	Irisarri, Nicaraguan and Guatemalan Minister to the U. S.			
1449	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Same	July 26, 1858	692
1450	Same	Same	July [—] 1858	696
1451	Same	Same	July [—] 1858	697
1452	Antonio José de Irisarri, Nicaraguan Minister to the U. S.	Same	July 28, 1858	698
1453	Same	Same	July 31, 1858	699
1454	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Rosalio Cortez, Minister of Foreign Affairs of Nicaragua	Aug. 11, 1858	699
1455	Rosalio Cortez, Minister of Foreign Affairs of Nicaragua	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Aug. 12, 1858	700
1456	Memorandum for the private use of Lewis Cass, Sec. of State, presented by General Máximo Jerez, Special Representative of Nicaragua		Aug. 16, 1858	701
1457	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Rosalio Cortez, Minister of Foreign Affairs of Nicaragua	Aug. 24, 1858	704
1458	Same	Same	Aug. 25, 1858	704
1459	Rosalio Cortez, Minister of Foreign Affairs of Nicaragua	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Aug. 25, 1858	704
1460	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Rosalio Cortez, Minister of Foreign Affairs of Nicaragua	Aug. 26, 1858	705
1461	Same	Lewis Cass, Sec. of State	Aug. 26, 1858	706
1462	Same	Same	Aug. 26, 1858	707
1463	Antonio José de Irisarri, Salvadoran Minister to the U. S.	Same	Aug. 31, 1858	708

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1464	Juan R. Mora, Pres. of Costa Rica	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Sept. 16, 1858	708
1465	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Juan R. Mora, Pres. of Costa Rica	Sept. 16, 1858	708
1466	Beverly L. Clarke, U. S. Minister Resident to Guatemala and Honduras	Lewis Cass, Sec. of State	Sept. 20, 1858	710
1467	Antonio José de Irisarri, Nicaraguan, Guatemalan, and Salvadoran Minister to the U. S.	Same	Sept. 21, 1858	711
1468	Tomás Martínez, Pres. of Nicaragua	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Sept. 25, 1858	712
1469	Antonio José de Irisarri, Nicaraguan, Guatemalan, and Salvadoran Minister to the U. S.	Lewis Cass, Sec. of State	Sept. 29, 1858	713
1470	Same	Same	Sept. 29, 1858	714
1471	General Máximo Jerez, Nicaraguan Minister to the U. S.	Same	Oct. 4, 1858	716
1472	Antonio José de Irisarri, Nicaraguan, Guatemalan, and Salvadoran Minister to the U. S.	Same	Oct. 20, 1858	718
1472	General Máximo Jerez, Nicaraguan Minister to the U. S.	Same	Oct. 20, 1858	718
1473	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Same	Oct. 28, 1858	718
1474	General Máximo Jerez, Nicaraguan Minister to the U. S.	Same	Nov. 2, 1858	719
1475	Antonio José de Iri-	Same	Nov. [illegible]	[illegible]

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1476	General Máximo Jerez, Nicaraguan Minister to the U. S.	Lewis Cass, Sec. of State	Nov. 12, 1858	721
1477	Tomás Martínez, Pres. of Nicaragua	James Buchanan, Pres. of the U. S.	Dec. 2, 1858	722
1478	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Lewis Cass, Sec. of State	Dec. 3, 1858	723
1479	Same	Same	Dec. 22, 1858	724
1480	Same	Same	Jan. 21, 1859	727
1481	Same	Same	Jan. 29, 1859	727
1482	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Feb. 25, 1859	731
1483	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Lewis Cass, Sec. of State	Feb. 26, 1859	731
1484	Same	Same	March 4, 1859	733
1485	Same	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	March 4, 1859	733
1486	Same	Same	March 8, 1859	734
1487	Same	Same	March 10, 1859	735
1488	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	March 11, 1859	736
1489	Same	Same	March 12, 1859	738
1490	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	March 12, 1859	739
1491	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	March 12, 1859	739
1492	Same	Same	March 13, 1859	740
1493	Same	Same	March 19, 1859	740
1494	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Lewis Cass, Sec. of State	March 20, 1859	740
1495	Same	Same	March 20, 1859	742

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1496	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Lewis Cass, Sec. of State	March 31, 1859	742
1497	Same	Same	April 25, 1859	743
1498	Same	Same	April 28, 1859	744
1499	Same	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	May 5, 1859	745
1500	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	May 9, 1859	746
1501	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	May 10, 1859	750
1502	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	May 12, 1859	750
1503	Antonio José de Irisarri, Nicaraguan, Guatemalan, and Salvadoran Minister to the U. S.	Lewis Cass, Sec. of State	May 15, 1859	750
1504	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	William G. Ouseley, Special British Representative to Central America	May 20, 1859	751
1505	Same	Nazario Toledo, Minister of Foreign Affairs of Costa Rica	May 20, 1859	751
1506	Same	Lewis Cass, Sec. of State	May 29, 1859	751
1507	General Máximo Jerez, Nicaraguan Minister to the U. S.	Same	May 30, 1859	754
1508	William G. Ouseley, Special British Representative to Central America	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	June 1, 1859	755
1509	General Máximo Jerez, Nicaraguan Minister to the U. S.	Lewis Cass, Sec. of State	June 6, 1859	756

1511	Beverly L. Clarke, U. S. Minister Resident to Guatemala and Honduras	Lewis Cass, Sec. of State	July 22, 1859	757
1512	Mirabeau B. Lamar, U. S. Minister Resident to Nicaragua and Costa Rica	Same	Aug. 11, 1859	760
1513	Luis Molina, Nicaraguan Chargé d'Affaires at Washington	Same	Aug. 30, 1859	761
1514	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Same	Sept. 19, 1859	762
1515	Luis Molina, Nicaraguan Chargé d'Affaires at Washington	Same	Sept. 26, 1859	766
1516	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Same	Sept. 29, 1859	767
1517	Luis Molina, Nicaraguan Chargé d'Affaires at Washington	Same	Oct. 1, 1859	770
1518	Beverly L. Clarke, U. S. Minister Resident to Guatemala and Honduras	Pedro de Aycinena, Minister of Foreign Affairs of Guatemala	Oct. 1, 1859	773
1519	Same	Santos Guardiola, Pres. of Honduras	Oct. 1, 1859	780
1520	Same	Lewis Cass, Sec. of State	Oct. 15, 1859	783
1521	Pedro de Aycinena, Minister of Foreign Affairs of Guatemala	Beverly L. Clarke, U. S. Minister Resident to Guatemala and Honduras	Oct. 18, 1859	797
1522	Beverly L. Clarke, U. S. Minister Resident to Guatemala and Honduras	Pedro de Aycinena, Minister of Foreign Affairs of Guatemala	Oct. 19, 1859	798
1523	Pedro de Aycinena, Minister of Foreign Affairs of Guatemala	Beverly L. Clarke, U. S. Minister Resident to Guatemala and Honduras	Oct. 22, 1859	799
1524	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Lewis Cass, Sec. of State	Oct. 31, 1859	800
1525	Same	Same	Oct. 31, 1859	806

1526	Beverly L. Clarke, U. S. Minister Resident to Guatemala and Honduras	Santos Guardiola, Pres. of Honduras	Nov. 7, 1859	
1527	Santos Guardiola, Pres. of Honduras	Beverly L. Clarke, U. S. Minister Resident to Guatemala and Honduras	Nov. 15, 1859	812
1528	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Lewis Cass, Sec. of State	Nov. 21, 1859	813
1529	Beverly L. Clarke, U. S. Minister Resident to Guatemala and Honduras	Same	Nov. 22, 1859	816
1530	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Same	Nov. 28, 1859	817
1531	Same	Same	Dec. 7, 1859	819
1532	Same	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	Dec. 14, 1859	822
1533	Notes of an interview between Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica, and Pedro Zeledón, Minister of Foreign Affairs of Nicaragua		Dec. 16, 1859	831
1534	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Same	Dec. 19, 1859	832
1535	Beverly L. Clarke, U. S. Minister Resident to Guatemala and Honduras	Lewis Cass, Sec. of State	Dec. 22, 1859	841
1536	Same	Same	Dec. 24, 1859	841
1537	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Dec. 28, 1859	842
1538	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	Dec. 28, 1859	843

1539	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Lewis Cass, Sec. of State	Dec. 29, 1859	843
1540	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Dec. 29, 1859	854
1541	Same	Same	Jan. 24, 1860	854
1542	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	Jan. 26, 1860	855
1543	Same	Lewis Cass, Sec. of State	Jan. 30, 1860	856
1544	Same	Rosalio Cortez, Acting Minister of Foreign Affairs of Nicaragua	Feb. 9, 1860	870
1545	Pedro Zeledón, Minister of Foreign Affairs of Nicaragua	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Feb. 21, 1860	875
1546	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Rosalio Cortez, Acting Minister of Foreign Affairs of Nicaragua	Feb. 26, 1860	877
1547	Same	Lewis Cass, Sec. of State	Feb. 28, 1860	881
1548	Rosalio Cortez, Acting Minister of Foreign Affairs of Nicaragua	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	March 14, 1860	884
1549	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Rosalio Cortez, Acting Minister of Foreign Affairs of Nicaragua	March 25, 1860	885
1550	Same	Lewis Cass, Sec. of State	March 30, 1860	889
1551	Same	Same	March 30, 1860	891
1552	Luis Molina, Nicaraguan Chargé d'Affaires at Washington	Same	April 2, 1860	893
1553	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Same	April 30, 1860	894
1554	Same	Same	June 15, 1860	906
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1556	Antonio José de Irisarri, Guatemalan Minister to the U. S.	Same	July 9, 1860	908

1557	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Lewis Cass, Sec. of State	July 1
1558	Aniceto Esquivel, Minister of Foreign Affairs of Costa Rica	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	July 2
1559	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	William H. Trescot, Acting Sec. of State	Aug. 6
1560	Same	Same	Aug. 1
1561	Same	Same	Aug. 2
1562	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Lewis Cass, Sec. of State	Sept.
1563	Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Sept. 1
1564	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua	Sept. 1
1565	Same	Lewis Cass, Sec. of State	Sept. 2
1566	Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Sept. 2
1567	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua	Sept. 2
1568	Luis Molina, Nicaraguan Chargé d'Affaires at Washington	Lewis Cass, Sec. of State	Oct. 1,
1569	Same	Same	Oct. 2,
1570	Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Oct. 4,
1571	Alexander Dimitry, U. S. Minister Resident to Nicaragua and Costa Rica	Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua	Oct. 7,
1572	Same	Lewis Cass, Sec. of State	Oct. 11

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1576	Same	Same	Nov. 12, 1860	947
1577	Luis Molina, Nicaraguan Chargé d'Affaires at Washington	Jeremiah S. Black, Sec. of State	Dec. 26, 1860	953
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NOTE

The idiosyncrasies of spelling, punctuation, capitalization and grammar of the original manuscript stand uncorrected in this print, except in case of manifest and inadvertent error, where the correction could in nowise affect the sense.

PART I

COMMUNICATIONS TO CENTRAL AMERICA
1851–1860

996

Daniel Webster, Secretary of State of the United States, to Ignacio Gómez, designated Chargé d'Affaires of Salvador at Washington [1]

WASHINGTON, *February 7, 1851.*

The Undersigned, Secretary of State of the United States, has had the honor to receive the note of the 31st. ultimo, addressed to him by Mr. Gomez,[2] announcing his arrival in this City as the diplomatic representative of several of the States of Central America.

The Government of the United States receives Mr. Gomez with great pleasure in the character in which he presents himself; but as the appointment of Mr. Gomez is not recent and as he is in expectation of receiving shortly fresh instructions, it is deemed expedient to wait till such instructions be received before a full and formal answer be returned to Mr. Gomez's note. In the meantime the Undersigned would take this opportunity to observe, that the government of the United States would see with great pain the prevalence of hostilities in the States of Central America either between themselves or between any of them and a foreign power. Recent events, the increase of commerce on both shores bounding this country, the plans for various lines of communication across it by rail roads and canals from sea to sea have given to the whole region a new importance. All must desire that the Republics of Central America should now come into the enjoyment of peace and the pursuits of industry so that they might commence that career of prosperity and progress to which their climate, soil and position seem to invite.

The Undersigned [etc.].

997

Daniel Webster, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [3]

WASHINGTON, *March 31, 1851.*

SIR: I have the honor to acknowledge the receipt of your note of the 28th. instant,[4] expressing the anxiety of your government to see the philanthropic

[1] Notes to Central America, vol. 1.

[2] See below, this volume, pt. II, doc. 1144.

[3] Notes to Central America, vol. 1.

On March 24, 1851, Felipe Molina presented his credentials as envoy extraordinary and minister plenipotentiary of Costa Rica. On July 10, 1851, he presented his credentials, also, as chargé d'affaires of Guatemala, and, on June 21, 1852, his credentials as minister

views of the government of the United States, in regard to Central America, carried out, as contemplated by the Ship Canal Convention entered into with Great Britain.

In reply, I have the honor to acquaint you, that this anxiety is reciprocated by the President of the United States, who has determined to adopt, at once, all proper measures towards accomplishing the object. A distinguished citizen of this country, the Honorable J. B. Kerr, late a member of the Congress of the United States, has been appointed and commissioned by the government of the United States as Chargé d'Affaires to that of Nicaragua. He will proceed on his mission about the 1st of May. Although accredited to the government of Nicaragua, only, he will be directed by this Department to visit the other governments of Central America, so far as may be in his power, to inquire into the causes of the controversies existing between them, and to urge upon all those governments the propriety of coming to terms of peace and amity between themselves. How desirable it is that those States should be united under one Government! The President cannot willingly give up the hope that this will again be accomplished, and Mr. Kerr will be directed to express this sentiment respectfully to them all, and to suggest to their consideration how little the probability is that Central America, now a point so interesting to all nations, can ever attain her proper dignity and proper destiny, while divided into so many small States. But if this should be found hopeless, he will still be directed to urge upon all those governments, in the most friendly manner, the necessity of an immediate cessation of hostilities. The interfering claims of the respective governments of Central America, can hardly be expected to be justly settled by the sword, and war among such States, must be equally ruinous to the conquerors and the conquered.

Mr. Molina will understand that these sentiments are here advanced from no motive but a sincere regard to the interests of that country. In all that exists in Central America and in all that may occur hereafter, the United States pursue no private or selfish end whatever. They will not withhold their good offices or their acts of kindness from any of those States. They wish them all to become prosperous and happy. Their desire for this warrants the government of the United States not to use any terms of control or dictation, but to signify its good will and to offer its advice with all proper earnestness.

The position of Central America on this continent at the present moment excites an extraordinary interest in the civilized world. The lines of communication which are to connect the Atlantic and Pacific seas, must several of them run through that country. In establishing those communications

the whole country go forward in the progress of improvement.

I avail myself of this occasion [etc.].

998

Daniel Webster, Secretary of State of the United States, to Ignacio Gómez, designated Chargé d'Affaires of Salvador at Washington[1]

WASHINGTON, *May 9, 1851.*

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant,[2] accompanied by a communication of the 28th of February, last, addressed to you by the Secretary of State of San Salvador, renewing your appointment and approving your official proceedings in this City.

This government reciprocates the friendly dispositions which you express on behalf of the government of San Salvador and takes a lively interest in whatever may tend to advance the prosperity of that Republic.

I avail myself of the occasion [etc.].

999

Daniel Webster, Secretary of State of the United States, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua[3]

No. 4 WASHINGTON, *June 6, 1851.*

SIR: On the third of September, 1849, a treaty between the United States and Nicaragua was signed at Leon, the 35th. Article[4] of which relates to a Ship Canal between the two oceans through the territories of that State, refers to a contract entered into on the 27th. of August, 1849, between the Republic of Nicaragua and a Company of Citizens of the United States styled the "American Atlantic and Pacific Canal Company," requires the United States to recognize the rights of sovereignty and property which Nicaragua possesses over the line of said canal and guarantees the neutrality thereof so long as it shall remain under the control of citizens of the United States. This treaty was submitted by the President to the Senate in March,

[1] Notes to Central America, vol. 1.

[2] Neither this note nor its accompaniment is included in this publication. The contents are revealed herein

[3] Instructions, American States, vol. 15.

same subject between the United States and Great Britain was signed in this City, by the sixth article of which it is stipulated that if any differences should arise as to right of property over the territory through which the said canal shall pass, between the States or governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

Although it may be taken for granted that a part of the line of the canal here referred to would be in the bed of the River San Juan or on the northern or southern bank of that stream, it is obvious that it would have been premature for the United States to assume the guaranty stipulated in the treaty with Nicaragua until the position of the canal had been determined upon. The Department is not aware that this has yet been done. It is well known that for some time past there has been a dispute between the States of Nicaragua and Costa Rica respecting their boundary, and it is certain that until this shall be adjusted the United States could not undertake to guaranty to Nicaragua dominion over the line of the canal without impliedly at least deciding that dispute in her favor and engaging to maintain that decision by force should this become necessary. Though the President appreciates the friendship of Nicaragua he cannot consent even to risk doing an injury to any one of the other Central American States by determining without due examination a controversy which it may have with any other of those States. If, however, a sense of duty were not sufficient to prevent the adoption of such a course on our part, the stipulation in our treaty with Great Britain, above referred to makes it a positive obligation.

On the 5th. of August, last, Mr. Molina, the Minister of Costa Rica at London, addressed a note to Mr. Abbott Lawrence [1] stating that his government, fully concurring in the philanthropic views set forth in the Convention signed at Washington on the 19th. of April in 1850, was willing to submit the question of her rights over the territories in dispute between Nicaragua and herself to the combined mediation of the United States and Great Britain, and to regard their joint decision as final provided that Nicaragua shall have previously placed herself under a similar obligation. Mr. Molina is now the Minister of Costa Rica at Washington. You will herewith receive a copy of a recent correspondence between him and the Department upon this subject.[2] In his note of the 31st of March [3] he states that his government

[1] See below, vol. VII, pt. II, containing Communications from Great Britain.

[2] There is no copy of this correspondence with the file copy of the instruction. See Molina's notes of March 28, and May 8, 1851, below, this volume, pt. II, docs. 1149 and 1153.

of the river San Juan, from the Atlantic ocean to the Lake of Nicaragua, as well as on that portion of the aforesaid lake comprised between fort San Carlos and river La Flor; together with a right to the joint navigation of the above mentioned river San Juan and of Lake Nicaragua. If, therefore, the line of the interoceanic canal should be on the South side of the river or in the bed thereof, a guaranty by us to Nicaragua of dominion over it would be in defiance of the claim of Costa Rica referred to. Under these circumstances you will represent to the government of Nicaragua that this government cannot undertake to guaranty the sovereignty of the line of the canal to her until the course which that work shall take with reference to the river San Juan and its terminus on the Pacific shall be ascertained and until the differences between Nicaragua and Costa Rica respecting their boundary shall be settled. You will suggest that it would be advisable for them to empower the Minister of Nicaragua here to adjust the question of limits and you may add that it is quite probable if it should be adjusted under the auspices of both Great Britain and the United States, that adjustment might be made to embrace a settlement of any other question which Nicaragua may have with other powers respecting her territories on the Carribean sea. If, however, the Nicaraguan government should refuse to authorize Mr. Marcoleta to negotiate upon this subject, you will then intimate to her authorities that the United States will not regard with indifference any attempt on her part to wrest by force from Costa Rica any territory of which the latter State may now be in peaceable possession.

I am, Sir, very respectfully [etc.].

1000

Daniel Webster, Secretary of State of the United States, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua.[1]

No. 6 WASHINGTON, *June 6, 1851.*

SIR: If an inquiry should be addressed to you in Nicaragua or elsewhere in Central America as to whether the United States have recognized the Mosquito Kingdom or contemplate such a measure, you may answer decidedly in the negative. Any other course would be at variance, not only with the policy hitherto pursued by the United States in regard to the aboriginal inhabitants of the American hemisphere, but also with that of the European nations who made discoveries and planted Colonies there.

1001

Daniel Webster, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [1]

WASHINGTON, *June 9, 1851.*

SIR: I have the honor to acknowledge the receipt of your note of the 27th. of March, last,[2] expressing a wish on behalf of your government, for the negotiation of a Treaty between the United States and Costa Rica. In reply, I have the honor to acquaint you, that your note has been submitted to the President, who has directed me to state that the wish of the government of Costa Rica upon the subject is reciprocated. The President has accordingly empowered me to enter upon negotiation with you, and I will be happy to receive you at the Department for the purpose at any time when it may be convenient for you to call.

I avail myself of this occasion [etc.].

1002

Daniel Webster, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [3]

WASHINGTON, *June 10, 1851.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Costa Rica,[4] accompanied by a printed Memoir and documents in manuscript relative to the boundary between that Republic and the Republic of Nicaragua. In reply, the Undersigned has the honor to acquaint Mr. Molina that his communication will be taken into respectful consideration.

The Undersigned [etc.].

1003

Daniel Webster, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [5]

WASHINGTON, *July 9, 1851.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, Envoy Extraordinary

[1] Notes to Central America, vol. 1.
[2] This note has not been copied for this publication; its contents are indicated here.
[3] Notes to Central America, vol. 1.

of Guatemala to this government, and asking for the appointment of a time for him to present the original.

In reply, the Undersigned has the honor to acquaint Mr. Molina, that he will receive him for the purpose indicated, to-morrow, the 10th. instant, at twelve O'clock.

The Undersigned [etc.].

1004

William S. Derrick, Acting Secretary of State of the United States, to Felipe Molina, Chargé d'Affaires of Guatemala at Washington [2]

WASHINGTON, *August 14, 1851.*

The Undersigned, Acting Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, Chargé d'Affaires of the Republic of Guatemala, of the 17th. ultimo,[3] upon the subject of the relations between that Republic and the other States of Central America, and suggesting the expediency of the employment, on the part of this government, of its good offices for the purpose of restoring and preserving harmony between Guatemala and those States. In reply, the Undersigned has the honor to acquaint Mr. Molina, that his communication has been read with much interest and valuable information has been derived therefrom. A copy of it shall at once be transmitted to Mr. Kerr, the Chargé d'Affaires of the United States in Central America, with an instruction directing him to do all he can with propriety for the purpose of accomplishing the object desired by Mr. Molina.[4]

The Undersigned avails himself [etc.].

1005

William S. Derrick, Acting Secretary of State of the United States, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [5]

No. 8 WASHINGTON, *August 15, 1851.*

SIR: I transmit a copy of a correspondence between the Department and Mr. Molina, the Chargé d'Affaires of Guatemala,[6] upon the subject of the

[1] Below, this volume, pt. II, doc. 1158. See note 1 thereto. The enclosed copy of credentials has not been copied for this publication.

[2] Notes to Central America, vol. 1.

William S. Derrick, of Pennsylvania, who signed this note, was appointed chief clerk of the Department of State on April 24, 1843. His successor was appointed, April 10, 1844. He was reappointed April 5, 1849, and died in office May 15, 1852.

[3] Below, this volume, pt. II, doc. 1161.

[4] See instruction No. 8 to Kerr, August 15, 1851, below, this part, doc. 1005.

relations between that Republic and the other Central American States. You have already been apprized, by the previous correspondence between the Department and the same gentleman, how essential to the welfare of that country the restoration and permanence of peace there is deemed. You will accordingly endeavor to effect this object, by making such informal representations upon the subject to leading characters in that country as may seem to you best adapted for the purpose. It is not, however, under existing circumstances advisable that you should make an official tender of the good offices of this government.

I am, Sir, very respectfully [etc.].

1006

Daniel Webster, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [1]

WASHINGTON, *November 11, 1851.*

The Secretary of State of the United States has received the note of Mr. Marcoleta of the 30th. ultimo, marked "Confidential".[2] He can appreciate and sympathize with the anxiety of that gentleman and that of Mr. Molina, for the adjustment of the differences between Nicaragua and Costa Rica. This government strongly desires that they should be accommodated upon terms just to both parties and upon a basis likely to be enduring. Without adverting to the nature or extent of the obstacles which have hitherto prevented that accommodation, it would seem to the Undersigned that the condition of public affairs in Central America and especially in Nicaragua has, within a few months, become, and remains such, so far as this Department is informed, that it is extremely doubtful whether any good or lasting results could at present be expected from the negotiations proposed by Mr. Marcoleta. It is probable that some of the despatches of the Chargé d'Affaires of the United States in Nicaragua to this Department have miscarried. It is certain, however, that at the latest dates from him he had not been received by the authorities at Leon, in his official character. One cause for this may have been that a treaty is understood to have been concluded between Nicaragua, Honduras, and San Salvador providing for a Confederacy between those States with the title of "National Representation of Central America". But neither Mr. Marcoleta, nor any other person has presented credentials to this government as the agent of that Confederacy,

[1] Notes to Central America, vol. 1.

operation. If, however, such should be the fact, it will at once occur to Mr. Marcoleta that any step which he might take as the diplomatic representative of Nicaragua only, would neither be binding upon her nor respectful to her confederates, so long as she acknowledged the validity of the compact which unites them.

The Undersigned avails himself [etc.].

1007

Daniel Webster, Secretary of State of the United States, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [1]

No. 9 WASHINGTON, *November 20, 1851.*

SIR: Your despatches Nos 3, and 4,[2] have been received. As those numbered one and two,[3] have not reached the Department, we have not been able correctly to understand the position of the contending parties in Nicaragua. You will accordingly, at your earliest convenience, transmit duplicates of them.

Mr. J. L. White, the Agent of the Atlantic and Pacific Ship Canal Company has recently visited this City and, from the oral representations which he has made, the Department is inclined to believe that the modifications of the Charter of that Company which he recently obtained in Nicaragua, were granted by competent authority and upon just considerations. The large expenditures of money which the Company had already made and the magnitude of the interests, both public and private, at stake, seem to have admitted of no delay in seeking and obtaining those modifications. If, therefore, their lawfulness should be disputed, you will state the opinion of this government upon the subject.

The transit by steamboats upon the river San Juan across Lake Nicaragua, and thence to San Juan del Sur, may fairly be considered as preliminary to the construction of the ship canal, and perhaps as indispensable to show the most eligible route therefor. Nicaragua will probably derive more immediate advantages from this transit than if the canal were to be begun at once without it, and as she has justly considered her future prosperity to be identified with the construction of the canal, it is to be hoped that the transit in the manner above mentioned will receive all reasonable encouragement and all necessary protection.

In case you should deem it advisable to recognize the National Representation of Central America, created by the Treaty between Nicaragua, San

Salvador and Honduras of the 8th. of November, 1849, a letter accrediting you to its Minister for Foreign Affairs is herewith transmitted.[1]

I am, Sir, very respectfully [etc.].

1008

Daniel Webster, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [2]

WASHINGTON, *November 25, 1851.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Costa Rica, of the 20th. instant,[3] accompanied by a copy of a communication of the same date addressed by Mr. Molina to Mr. J. L. White, the Agent of the Atlantic and Pacific Ship Canal Company, protesting against the contemplated occupation by that Company of certain lands claimed by Costa Rica.

The Undersigned [etc.].

1009

Daniel Webster, Secretary of State of the United States, to Felipe Molina, Chargé d'Affaires of Guatemala at Washington [4]

WASHINGTON, *January 26, 1852.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, Chargé d'Affaires of Guatemala, of the 23d. instant,[5] accompanied by a copy of a letter from His Excellency, General Don Rafael Carrera, to the President of the United States, announcing his election as Chief Magistrate of that Republic.

In reply, to Mr. Molina's request for the appointment of a day for him to deliver to the President the original of the letter referred to, the Undersigned has the honor to state, that if Mr. Molina will transmit the original to this Department, the Undersigned will cause it to be laid before the President. This proceeding would, in this instance, be more conformable to usage than the one suggested by Mr. Molina.

The Undersigned avails himself of this occasion [etc.].

[1] There are no enclosures with the file copy of this instruction. The document mentioned would not properly come within the scope of this publication.

DEAR SIR: I have received your note of the 6th. instant, marked 'Confidential'.[2]

The President will be exceedingly unwilling to be obliged to conclude the pending arrangement without the coöperation and consent of Costa Rica. But time presses, and it is necessary to bring this business to an end. Nicaragua granted the sections of land to the Canal Company to be located on either side of the San Juan. If she now consents to surrender all the territory on the South Side of that river to Costa Rica, it seems quite reasonable that an arrangement should be made between the two governments such as shall meet the convenience and fulfil the just expectations of the Canal Company.

It is most earnestly to be desired, that upon further consideration you should devise a plan by which we can get over the present difficulty without the delay which would necessarily be incurred by waiting for further instructions. I commend this subject with renewed earnestness to your attention.

I offer you a renewed assurance [etc.].

1011

Daniel Webster, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [3]

WASHINGTON, *April 15, 1852.*

SIR: I have the honor to acknowledge the receipt of your note of the 9th. instant,[4] in which you agree to stipulate, on behalf of your government, to allow the Atlantic and Pacific Ship Canal Company to locate two of the sections of land granted to them by the Nicaraguan government, on the Costa Rican side of the San Juan river, in consideration of one hundred thousand dollars to be paid by Nicaragua to Costa Rica out of the revenues to be received by the former from that Company. Your offer is also made subject to other conditions.

It is to be regretted that the expectations of your government should be so high in regard to its differences with the Nicaraguan government. I had indulged the hope that the proposition contained in my note of the 8th. instant [5] would, under the circumstances, have been considered by you so

[1] Notes to Central America, vol. 1.
[2] Below, this volume, pt. II, doc. 1193.
[3] Notes to Central America, vol. 1.
[4] Below, this volume, pt. II, doc. 1194.
[5] Above, this part, doc. 1010.

moderate and reasonable that you would not, by rejecting it, lose the opportunity which it afforded Costa Rica to avail herself of the good offices of the United States and Great Britain towards accommodating the disputes between her and Nicaragua. Inasmuch, however, as you have otherwise decided, Mr. Crampton and myself will proceed to arrange the points at issue between our two governments in regard to the Mosquito shore, and to transmit directly to the Nicaraguan government, whose diplomatic agent here, it is understood still remains without instructions, information of these arrangements, with a distinct statement of our joint opinions of the interests and duty of that government. As you are the recognized Minister of Costa Rica to this government, it would be improper for us to address ourselves directly to that of Costa Rica as such a proceeding would be a departure from diplomatic usage. I have to say, however, that a copy of the paper which we propose to communicate to the Nicaraguan government will be placed in your hands.

I avail myself of this occasion [etc.].

1012

Daniel Webster, Secretary of State of the United States, to Robert M. Walsh, Special Agent of the United States to Costa Rica [1]

WASHINGTON, *April 29, 1852.*

SIR: The disputes between the Republics of Costa Rica and Nicaragua and between the latter and the Mosquito Indians in regard to the boundary between their respective territories has threatened to be so serious an obstacle to the commencement of the inter-oceanic canal by the way of the San Juan river and Lake Nicaragua, that the governments of the United States and Great Britain have deemed themselves warranted in offering their good offices for the purpose of adjusting them. For this purpose, Mr. Crampton, the British Minister here and myself have drawn up and signed

[1] Instructions, American States, vol. 15.

Robert M. Walsh, of Pennsylvania, as special envoy to Costa Rica, was instructed on April 29, 1852, to obtain a settlement of disputes between Costa Rica and Nicaragua in in regard to their boundaries, which were obstacles to the commencement of the canal across Nicaragua. Prior to his service in Costa Rica, he had been commissioned, on September 13, 1841, as secretary of the United States legation in Brazil. He left Rio de Janeiro on September 1, 1847. On March 14, 1848, he was commissioned as secretary of Legation in

articles of a basis for that settlement, and a conclusion adverting to the alternative which Great Britain and the United States will deem themselves justified in adopting, should their recommendation to Costa Rica and Nicaragua[1] not be substantially adopted by them. Until recently hopes were entertained that Mr. Molina, the Minister of Costa Rica here, would have joined in the instrument. The accompanying copy[2] of a correspondence between this Department and him will, however, apprize you that as he has been unwilling to permit the Canal Company to locate certain sections of land granted them by Nicaragua on the right bank of the San Juan river, it has been deemed advisable not to yield to him on this point, and we have signed the paper without him. A motive for this on my part was an apprehension that he might ultimately object to some of the terms in which the boundary between Costa Rica and Nicaragua is described. As it is presumed that his scruples were in obedience to instructions from his government, it is deemed expedient that a person on the part of this government should proceed to San Jose, the Capital of Costa Rica, for the purpose of inducing that government to accede to the recommendation embodied in the paper adverted to. You have accordingly been selected for the occasion. A letter introducing you to the Minister for Foreign Affairs of Costa Rica[3] is herewith enclosed. On reaching San Jose, you will lose no time in presenting this and in making known the object of your visit. For this purpose, you will present to the Minister the document executed by Mr. Crampton and myself, and will request that it may be taken into immediate consideration. In order that you may be prepared to meet any objections to its adoption by that government, it is proper that you should be apprized of the full extent of its claims in respect to Nicaragua. It is understood that Costa Rica asserts that her boundary begins at the mouth of the San Juan at its confluence with the sea and extends therein to its source in Lake Nicaragua and thence to a point on that Lake nearest the mouth of the river La Flor on the Pacific and thence by a direct line to the mouth of that river. Nicaragua on the other hand contends that Costa Rica has no right to claim the region on the South Bank of the San Juan or the District of Guanacaste. From the attention which I have been able to bestow upon the subject, I incline to the opinion that the claim of Costa Rica to the South Bank of the San Juan is good as far as the mouth of the Serapiqui river and that her pretensions to Guanacaste District will not bear a strict and impartial in-

[1] Not with the file copy of the instruction; its purport is revealed herein. A later instruction to him of, May 5, 1852, below, this part, doc. 1015, states that this proposition was altered. See below, this part, April 30, 1852, note 4, p. 18, for the altered proposition.

vestigation. By the proposition we make to her, therefore she would apparently lose in the first place the delta between the San Juan and the Colorado. This, however, would only be an apparent loss, when it is considered that the Colorado may be deemed a branch of the San Juan and as it discharges a much larger volume of water than the branch which empties into the sea at Greytown, it may be said to be the main branch of the stream. When also it is considered that the delta referred to is uninhabitable and otherwise valueless, Costa Rica cannot justly be said to make any material sacrifice in adopting the Colorado as her boundary. It is not improbable that she has hitherto been influenced in her pretensions by a reluctance that Nicaragua should have exclusive control of the canal and by an impression that if the Costa Rican boundary were to extend to the South Bank of the San Juan and were to embrace the Guanacaste district she might have the canal within her jurisdiction, especially as the port of Salinas on the Pacific, which has sometimes been spoken of as the best terminus for the work, would then be hers. The Atlantic and Pacific Ship Canal Company have however made a thorough survey of the region between lake Nicaragua and the Pacific, and have ascertained that not only the most practicable but the only practicable course for the canal, will be from a point on that lake within the acknowledged territory of Nicaragua to Brito on the Pacific, also in her territory. Inasmuch, therefore, as there cannot be two canals in that quarter and as capitalists will prefer the cheapest and most eligible route, Costa Rica cannot in any event expect to have the canal within her territory. As it is probable, however, that the San Juan itself will in a part of its course, at least, be used as the canal by means of locks and dams, it is indispensable that the Canal Company should have exclusive control over the waters of that river, for the purposes of the Canal. If, therefore, Costa Rica should acquire by so good a title as the guaranty of the United States and Great Britain the rich and extensive region of Guanacaste at so small apparent a sacrifice, it is difficult to imagine why her government could reasonably hesitate to adopt our recommendation.

But it may be asked, why should Nicaragua have the exclusive right to navigation by steam on the San Juan and the Lake? To this it may be answered, that steam navigation was first introduced there under the auspices of Nicaragua, in the belief that she had exclusive jurisdiction over the river and lake; that the Company to whom she has granted the privilege, accepted it under this impression, and have invested a large capital in carrying their grant into effect. If Costa Rica should make a similar grant to another Company, it would probably result in material loss if not ruin to that holding under Nicaragua and indeed to both, and would ultimately

latter shall be open, will make it for the interest of the Nicaragua Company so to reduce their rates for passage and freight, that none of the usual objections to a monopoly can be urged against them.

If, however, the Costa Rican authorities should not acknowledge the reasonableness of the plan of accomodation proposed, and should persist in asserting all their pretensions against Nicaragua, you will say to them that this will not prevent the United States from entering into a Convention with Great Britain to protect both the Transit and the ship Canal Company. Should such a Convention go into effect, it would, if necessary, be the right and duty of both parties to it to use other means than persuasion to induce Costa Rica to abstain from trenching on the privileges or interfering with the operations of either of those Companies.

It is the President's wish, that if the proposition of which you are the bearer should prove to be acceptable to that government, their assent to it may be given in a formal manner by both the legislature and President of Costa Rica so that no further reference to that country may be necessary. Mr. Molina might then be instructed and empowered to sign a quadripartite treaty and might at the same time be furnished with a ratification of such a treaty to be exchanged here for the ratifications of the other parties.

It is highly desirable that that government should dispose of the subject so that you may return hither in season to allow the treaty to be acted upon by the Senate of the United States at its present session.

You will proceed to San Juan de Nicaragua, and from thence up the San Juan river to its confluence with the Serapiqui and from thence to San Jose by land. When you shall have concluded your business at San Jose you may return by the way of Nicaragua in order that you may bring with you any despatches which Mr. Kerr, the Chargé d'Affaires of the United States to Nicaragua, may have occasion to send to the Department.

Your compensation will be at the rate of ten dollars a day from the time of your departure until your return. You will also be allowed your necessary travelling expenses of which you will keep an account, which must be supported by vouchers when they can be obtained. The sum of eight hundred dollars is now advanced to you on account of your expenses. A special passport which you may find useful, is also herewith communicated to you.

I am, Sir, [etc.].

Daniel Webster, Secretary of State of the United States, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [1]

No. 11 WASHINGTON, *April 30, 1852.*

SIR: The adjustment of the unsettled questions between the United States, Great Britain, Costa Rica and Nicaragua, in regard to the boundary between the two latter States and between Nicaragua and the territory claimed by the Mosquito Indians, has for some time past been the subject of negotiations between Mr. Crampton, the British Minister, Mr. Molina, the Minister of Costa Rica, and myself. Mr. Marcoleta, the Minister of Nicaragua, has not been invited or admitted to take part in them. This arose from the fact that at the time they were begun and until they were nearly concluded, we were not informed that you had been received by the Nicaraguan government and when we were informed by Mr. Marcoleta's note of the 14th. instant [2] that you had been so received there was no communication from him from which it could be inferred that his instructions would allow him to join in the negotiation upon any acceptable basis. Hopes were for sometime entertained that Mr. Molina would unite with us in a basis deemed reasonable by us and which we could recommend to those governments. You will see, however, from the accompanying correspondence between the Department and him that these hopes were disappointed.[3] Mr. Crampton and myself accordingly signed alone the paper a copy of which is herewith enclosed.[4] You will lose no time in laying the same before the

[1] Instructions, American States, vol. 15.

[2] Below, this volume, pt. II, doc. 1195.

[3] For the Secretary of State's notes to Molina, see above, this part, docs. 1010 and 1011, and for Molina's replies, see below, pt. II, docs. 1194 and 1196.

[4] The text of the Webster-Crampton agreement of April 30, 1852, copied from *Drafts of Treaties, United States and Great Britain*, vol. 3, follows:

Webster & Crampton Propositions relative to Costa Rica, Nicaragua, and Mosquito Territory

WASHINGTON, *April 30, 1852.*

The Undersigned Daniel Webster Secretary of State of the United States and John F. Crampton Envoy Extraordinary and Minister Plenipotentiary of Her Britannick Majesty having taken into consideration the state of the relations between the Republics of Costa Rica and Nicaragua in respect to the boundaries between those Republics and between the Republic of Nicaragua and the territory claimed by the Mosquito Indians and being mutually desirous that all pending differences respecting those questions should be amicably, honorably and definitively adjusted do in behalf of their respective Governments earnestly recommend to the respective Governments of the Republics of Nicaragua and Costa Rica an accommodation and settlement of these differences upon the following Basis

ARTICLE I

The Mosquito Indians may reserve to themselves out of the territory heretofore claimed or occupied by them on the Eastern Coast of Costa Rica

[illegible] by the said Mosquitos including Greytown they shall relinquish and cede to the Republic of Nicaragua together with all jurisdiction over the same in consideration of the nett receipts for a period of three years from all duties levied and collected at Greytown at the rate of ten per cent ad valorem on all goods imported into the state — The period of three years to commence on the day when Nicaragua shall formally take possession of and enter into the occupancy of said Town. — And the said nett receipts shall be payable quarterly or every three months to such agent or agents as may be appointed to recieve them.

And the said Republic of Nicaragua hereby agrees not in any way to molest or interfere with the Mosquito Indians within the territory herein reserved by them —

It is also understood that any Grants of land which may have been made by said Mosquitos since the first of January 1848 in that part of the Mosquito territory hereby ceded to Nicaragua shall not be disturbed provided the said Grants shall not interfere with other legal grants made previously to that date by Spain by the Central American Confederation or by Nicaragua or with the privileges or operations of the Atlantic Ship Canal Company or Accessory Transit Company and shall not include territory desired by the Nicaraguan Govt. for forts arsenals or other public buildings —

ARTICLE II

It is also understood that nothing in the preceding article shall preclude the conclusion of such voluntary compact and arrangement between the state of Nicaragua and the Mosquito Indians by which the latter may be definitively incorporated and united with the state of Nicaragua, it being stipulated that in such case the said Mosquito Indians shall enjoy the same rights and be liable to the same duties as the other citizens of the said state of Nicaragua — The municipal and public authority in the town of Grey-Town shall be held and exercised by the Government of Nicaragua but said Government shall lay no duties of tonnage nor any duties of impost on goods imported into Greytown intended for transit across the isthmus or for consumption in any other state than that of Nicaragua except such tonnage duty as may be necessary for the preservation of the Port and Harbour and the erection and maintenance of necessary light houses and beacons — And no duty for this or similar purposes shall exceed say 12 cents per ton on each vessel.

ARTICLE III

The boundary between the Republics of Nicaragua and Costa Rica shall begin on the South Bank of the Colorado at its confluence with the sea at high water mark on said river thence along said South Bank also at high water mark to the confluence of the Colorado with the river San Juan thence at high water mark along the South Bank of the San Juan to its source on lake Nicaragua thence at high water mark along the South and West Shore of that lake to the point nearest the mouth of the river La Flor thence by a direct line drawn from that point to the mouth of the said river in the Pacific Ocean — It is understood however that Costa Rica retains the right in common with Nicaragua to navigate said rivers and lake by sail vessels, barges or vessels towed but not by steam but this right is in no wise to interfere with the paramount right in Nicaragua or her grantees to appropriate the waters of said rivers and lake to a ship canal from Ocean to Ocean or from the Caribbean Sea to said lake — It is also understood that the Company entitled the American Atlantic and Pacific Ship Canal Company shall have the privilege of locating on the south bank of the St John river four of the eight stations or sections of land referred to in the 27th Article of the amended charter of said Company as ratified by the Government of Nicaragua on the 11th April 1850 — If however the said Company should desire to locate more than the said four sections on the south side of the San Juan, the Governments of Nicaragua and Costa Rica will amicably agree in regard to the terms of such location.

ARTICLE IV

Neither the Government of Nicaragua nor the Government of Costa Rica shall be at liberty to erect or suffer to be erected any wharf wall embankment or other structure, or to do or suffer to be done any act or thing whatever in the harbor of Greytown in any part of the Colorado or San Juan rivers or on the shore of Lake Nicaragua which

Footnote 4, page 18—*Continued*

shall obstruct the free operations of the ship canal or Transit company or hinder the passage of their boats in, along and through the said harbor of Greytown and rivers Colorado or San Juan— And if after a proper survey of the route for a Ship Canal between the two oceans it shall be found that it would be preferable for that canal to pass in part along the Southern Bank of the river San Juan or the Colorado river the Government of Costa Rica engages to grant any lands and to afford any facilities which may be necessary for the construction of the said canal.

ARTICLE V

Whereas it is stipulated by the second article of the Convention between Great Britain and the United States of America concluded at Washington on the nineteenth day of April 1850 that vessels of the United States or Great Britain traversing the said Canal shall in case of War between the contracting parties be exempt from blockade detention or capture by either of the belligerants and that that provision should extend to such a distance from the two ends of the said Canal as might thereafter be found expedient to establish— Now for the purpose of establishing such distance within which the vessels of either of said nations shall be exempt from blockade, detention or capture by either of the belligerants, it is hereby declared that it shall extend to all waters within the distance of twenty five nautical miles from the termination of said Canal on the Pacific and on the Atlantic coasts—

ARTICLE VI

Whereas by the seventh article of the said Convention it was among other things stipulated that if any persons or company had already made with any state through which the proposed Ship Canal might pass "a contract for the construction of such a canal as that specified in said Convention to the stipulations of which contract neither of the contracting parties in that Convention had any just cause to object and the said persons or Company had moreover made preparations and expended time money and trouble on the faith of such contract it was thereby agreed that such persons or Company should have a priority of claim over every other person persons or company to the protection of the Government of the United States and Great Britain and should be allowed a year from the date of the exchange of ratifications of that Convention for concluding their arrangements and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking it being understood that if at the expiration of the aforsaid period such persons or Company should not be able to commence and carry out the proposed enterprise than the Governments of the United States and Great Britain should be free to afford their protection to any other persons or Company that should be prepared to commence and proceed with the construction of the Canal in question,—And whereas at the time of the signature of the said Convention a company styled the American Atlantic and Pacific Ship Canal Company had with the Government of the Republic of Nicaragua a contract for constructing a Ship Canal between the said Oceans but for reasons deemed sufficient by the Govts of Great Britain and the United States have not hitherto been able to comply with the stipulation which gave them a claim to the protection of the said Governments. And whereas no other Company has claimed such protection on the same conditions it is therefore agreed that the further time of one year from the exchange of the ratifications of this Convention shall be allowed the said Company to comply with the stipulation aforsaid —

ARTICLE VII

And whereas by another Charter of the 11th April 1850 to the American Atlantic and Pacific Ship Canal Company the state of Nicaragua with a view to facilitate the construction of that Canal has authorised the said Company to seperate from their contract of the 22d of Sept 1849 the part relating to the navigation of the waters of Nicaragua by steam under the title of the Accessory Transit Company and whereas the said Accessory Transit Company has for some time past been in full and successful operation the Governments of Great Britain and of the United States hereby engage to extend their protection to the said Accessory Transit Company in the same manner and [illegible]

Greytown and the country north of it as far as the Rama river for the consideration of .....[1] thousand dollars, to be paid by Nicaragua to the Mosquito Indians. To this proposition she will no doubt object by saying that the Mosquito Indians have no right to the territory proposed to be ceded to her and that it is unreasonable to expect her to pay for that which is already rightfully her own. Without, however, either raising or deciding the question as to her abstract right to the territory in question, the fact that she has not been in possession of it since the 1st of January, 1848, is notorious. Her authority over the territory such as it was, was then forcibly expelled and has never been resumed, and whatever may have been the rights or the motives of the party who performed this act, they must be presumed to have been satisfactory to that party and which cannot be expected to stultify itself by voluntarily and without equivalent surrendering that which it risked its reputation, and expended blood and treasure to obtain. By agreeing to pay the compensation proposed, Nicaragua, would by no means be chargeable with inconsistency or dishonor, but would only yield to the stronger party, a frequent occourrence [*sic*] in the world's history. On the other hand, the compensation proposed is moderate in amount and the time and manner of paying it will be made as accommodating to her as could reasonably be desired. She will then have full command of the port of Greytown on both sides of the river San Juan. She will also have the exclusive right to navigate that river by steam. It is true she has

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Footnote 4, page 18—*Continued*

undertaken to construct the same or in case of their failure by any other person or Company which may be authorised to construct the same and every Grant and privilege conferred upon said Accessory Transit Company shall be subject to the paramount right and privilege of any other persons or Company to construct maintain and use such Canal— Finally these propositions so far as they respect the Governments of Nicaragua and Costa Rica are advisory and recommendatory and the immediate attention of those Governments to their consideration is earnestly invoked— To insure a prompt decision Mr. Wyke Consul General of Her Britannick Majesty clothed with full power for that purpose, Mr. Kerr Chargé d'Affaires of the United States to Nicaragua and Mr. R. M. Walsh, appointed Special Agent on the part of the United States to the Government of Costa Rica are authorised to communicate the arrangement proposed to those Governments respectively and unless the aforsaid Governments of Nicaragua and Costa Rica shall promptly and without unneccessary loss of time concur in the general Basis of this arrangement and adopt proper measures for carrying it into effect then the Governments of Great Britain and the United States will immediately as between themselves jointly adopt such measures as they shall deem advisable to carry into full execution the Convention between those Governments of 19th April 1850 and to accomplish the design therein contemplated of an inter-oceanic communication by Canal from the Atlantic to the Pacific Oceans by the way of the river San Juan and the lake Nicaragua—

DAN[l] WEBSTER
JOHN F. CRAMPTON

[1] In the manuscript volume, the words "a certain consideration therein stipulated" had

contended for a right to the territory on both banks of the San Juan and our proposition cedes the right bank to Costa Rica. The river however is obviously the best natural boundary between the two Republics and if, as is presumed to be the fact, Nicaragua in claiming both banks has been actuated by a desire to obtain exclusive control of the ship canal, this expectation would not be thwarted by ceding the right bank to Costa Rica. It is probable that the canal, for a great part if not the whole length of the river, will be constructed in the bed thereof by means of locks and dams. Should this prove to be the fact, the possession of the right bank by Costa Rica pursuant to our proposition, would neither interfere with the construction or the operations of the canal or with the control of it by Nicaragua.

We also propose to cede the District of Guanacaste to Costa Rica. As this is understood to be in accordance with the wishes of the inhabitants of that District, it is not likely that Nicaragua would find it a desirable possession, even [if?] it were to be retained by her. Besides, one of her supposed motives for persisting in her claim to Guanacaste is the fact that it contains the Port of Salinas on the Pacific which has sometimes been spoken of as a terminus of the Ship Canal. Inasmuch, however, as the recent survey of Colonel Childs in the service of the Atlantic and Pacific Canal Company has shown that the port of Brito[1] within the acknowledged territory of Nicaragua is the most eligible terminus for the Canal if in claiming Guanacaste Nicaragua has to any extent been actuated by the supposed importance of *Salinas*[1] that motive is unfounded.

It is not improbable that some persons of influence and authority in that Republic may have been advised that if the Nicaraguan government shall reject the plan of settlement proposed by us, a change of administration in this country will result in a change of policy and that Greytown will be forcibly restored to her, should this become necessary. Allowing that this information may be correct, it is obvious that even if Nicaragua were to regain possession of Greytown by this means, her own great object and the principal object of both Great Britain and the United States in interesting themselves in her affairs—namely, the construction of the ship Canal, would probably be indefinitely postponed and even the transit by steamboats over her waters from which it is understood she now enjoys both direct and incidental advantages would be put an end to.

It is to be hoped therefore that moderate councils will prevail there and that the opportunity now afforded her, which will probably be the last one, of peaceably settling the complicated questions which have been so long pending, will not be inconsiderately rejected. It is certain that the ship

practicability of the work which the recent survey is calculated to inspire capitalists, will be added the more important confidence that their funds invested in its construction will not be subjected to risks arising from the causes adverted to.

It is desirable that the decision of Nicaragua should be prompt so that it may be known here in season for a quadripartite treaty to be signed here and submitted to the United States Senate at its present session. In order to save time and prevent the necessity of a further reference of the subject to that country, both the legislature and President of the Republic should act upon the subject and ratify the quadripartite treaty which Mr. Marcoleta may then be instructed to exchange.

I am, Sir, [etc.].

1014

William Hunter, Jr., Acting Secretary of State of the United States, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [1]

No. 12 WASHINGTON, *May 4, 1852.*

SIR: After the instruction to you of the 30th. ultimo [2] was signed, the proposition of Mr. Crampton and Mr. Webster [3] was a little changed. The only material alteration, however, was that as the proposition originally agreed upon allowed the Canal Company to locate two sections of land on the South Bank of the San Juan, the proposition as signed makes that number four instead of two. This will explain what otherwise might have appeared to you as a discrepancy between the number of sections mentioned in the correspondence with Mr. Molina, and the number stipulated for in the proposition.

The last despatch received from you is not numbered, but bears date the 15th. December, 1851.[4]

I am, Sir, [etc.].

[1] Instructions, American States, vol. 15.

William Hunter, of Rhode Island, who signed this instruction, was appointed chief clerk of the Department of State, on May 17, 1852. At various times, in the absence of the Secretary of State, he served as Acting Secretary. On May 8, 1855, he was commissioned as Assistant Secretary of State, with the understanding that on the appointment of another Assistant Secretary he should resume the position of chief clerk, which he did, on November 1, 1855. On July 27, 1866, he was promoted to Second Assistant Secretary of State. He died in office, July 22, 1886.

[2] Above, this part, doc. 1013.

[3] See above, this part, note 4, p. 18.

[4] Below, this volume, pt. II, doc. 1186; it probably should have been numbered 6.

William Hunter, Jr., Acting Secretary of State of the United States, to Robert M. Walsh, Special Agent of the United States to Costa Rica [1]

WASHINGTON, *May 4, 1852.*

SIR: After the instruction to you of the 29th ultimo was signed, a slight alteration was made in the proposition signed by Mr. Webster and Mr. Crampton,[2] giving to the Canal Company the right to locate four instead of two sections of land on the Costa Rican side of the river. This will explain what otherwise might have appeared as a discrepancy between the number of sections mentioned in the correspondence with Mr Molina and those mentioned in the proposition itself.

It is not, however, by any means certain that the Canal Company will ultimately find it for their interest to locate perhaps more than one section on that Bank. If, however, the reverse should prove to be the fact, as Costa Rica will have jurisdiction over the whole and as the lands reserved by her will be increased in value in direct proportion to those which may be occupied by the Company, she will unquestionably consult her true interest by agreeing to the proposition as it stands.

I am, Sir, [etc.].

1016

William Hunter, Jr., Acting Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [3]

WASHINGTON, *May 5, 1852.*

SIR: I have the honor to communicate a copy of the proposition to be addressed to the governments of Costa Rica and Nicaragua, respectively, for the adjustment of their differences in regard to the boundary between those Republics, as finally agreed upon and signed by Mr. Webster and Mr. Crampton.[4] You will notice that this proposition differs from the one in which you were invited but declined to join, inasmuch as it allows the Canal Company to locate four instead of two only of their eight sections of land on the Costa Rican side of the San Juan river. Although your refusal to coöperate in the recommendation was understood to be based upon the fact that your instructions did not warrant you in agreeing to permit the Company to locate any of their lands on the South side of the river without a specific equivalent therefor to Costa Rica, it is hoped that your government, on maturely weighing all the circumstances of the case, will ultimately agree to allow even the four sections adverted to to be located there.

[1] Instructions, American States, vol. 15.

[2] For the instruction of April 29, see above, this part, doc. 1010, and for the proposition

In the first place, it may be considered questionable whether the Company will deem it to comport with their interest to locate perhaps more than one section on the right bank of the San Juan. In the next place, even if they were to locate four sections there, the lands themselves and the persons occupying or living on them, would be subject to the laws of Costa Rica. It is notorious, however, that the lands have not now any appreciable value. Their future value will be in direct proportion to the amount of capital and skill which may be applied to the developement of their resources. If, therefore, the Company should apply capital and skill to the cultivation of the sections allotted to them, this, besides raising the value of the lands reserved by Costa Rica, will give her an important source of direct revenue and other incidental advantages. These and other obvious considerations are commended to your candid consideration and to that of your government.

I avail myself of this occasion [etc.].

1017

William Hunter, Jr., Acting Secretary of State of the United States, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [1]

No. 13 WASHINGTON, *May 13, 1852.*

SIR: Since the last despatch to you on the subject,[2] it has occurred to Mr. Crampton and myself that if the following two slight modifications of the proposition to Nicaragua and Costa Rica [3] shall be made, its chances of ultimate success will be much increased.

Towards the close of Article I, after the words 'in that part of the Mosquito territory hereby ceded to Nicaragua' insert the following: 'which grants shall have been attended with residence on or possession of the lands granted.' After the words 'interfere with'— strike out the words 'other legal grants made previously to that date by Spain, by the Central American Confederation or by Nicaragua.'

To Article III, add the following: 'But it is understood that nothing in this Article contained shall prevent the Republic of Costa Rica from resuming its rights to navigate the said rivers and lake by steam vessels, when the Charters of the Atlantic and Pacific Ship Canal Company or Accessory Transit Company shall either have expired by their own limitation or shall have been legally forfeited.'

You will accordingly propose these modifications to the Nicaraguan government.[4]

1018

William Hunter, Jr., Acting Secretary of State of the United States, to Molina, Costa Rican Minister to the United States[1]

WASHINGTON, *May 19, 1*

SIR: I have the honor to acknowledge the receipt of your note 8th. instant.[2]

If, as you remark, Costa Rica, should entertain insurmountable obj to a surrender in perpetuity of the privilege of navigating the Colora San Juan rivers and Lake Nicaragua by steam vessels, it is presume she could not reasonably object to enter into a stipulation promising render of the same until the Charters of the Atlantic and Pacific Ship Company and of the Accessory Transit Company shall either have e by their own limitation or shall have been legally forfeited. As the pr purpose of the United States and Great Britain in proposing to g Nicaragua the exclusive right to steam navigation on that Lake and rivers was to protect franchises acquired in good faith from Nicara that purpose could be accomplished, no good reason is perceived wh right should not be limited to the duration of the franchises referred

I avail myself of this occasion [etc.].

1019

Daniel Webster, Secretary of State of the United States, to Felipe M Guatemalan Minister to the United States[3]

WASHINGTON, *August 10, 1*

SIR: I have the honor to acknowledge the receipt of your note of th instant,[4] accompanied by a copy and translation of the certificate of exc of the ratifications of the Treaty between the United States and Guat The original of the same instrument accompanied by the ratification Guatamalian government, had previously been received from Mr. Ke as the Senate, by its Resolution of the 7th. of June last, a copy of w herewith transmitted[5] authorized the ratifications to be exchanged time prior to the first of November next, the Treaty has been publish proclaimed as obligatory on this government and on citizens of the States.

I avail myself of this occasion [etc.].

Daniel Webster, Secretary of State of the United States, to Felipe Mo
Costa Rican Minister to the United States[1]

WASHINGTON, *August 12, 185*

SIR: I have the honor to acknowledge the receipt of your note of the
instant[2] accompanied by a sealed communication to this Department f
the Minister for Foreign Affairs of Costa Rica.

In reply, I have the honor to inform you, that your government may
upon any friendly influence which it may be in the power of this governn
to exert, for the purpose of making the proposed Convention with Nicara
and Costa Rica acceptable to the latter.

I avail myself of this occasion [etc.].

1021

Charles M. Conrad, Acting Secretary of State of the United States, to Balis
Edney, appointed United States Chargé d'Affaires in Guatemala[3]

[EXTRACTS]

No. 1 WASHINGTON, *September 18, 185*

SIR: You have received your Commission as Chargé d'Affaires of
United States to Guatemala.[4] . . .

The relations between the United States and Guatemala are of the n
friendly and harmonious character. It will be your principal duty to att
to the faithful execution by the authorities of that Republic, of the Tre
of Commerce between the two governments which has recently gone i
operation, copies of which you will herewith receive. Guatemala is un
stood to be the most populous and opulent of the five Central Ameri
States. Within the last few years, however, she has suffered much f
civil wars, and has recently been engaged in a conflict with her neighbor,
Republic of San Salvador. At present, it is believed that she is at pe
both at home and abroad. It is very desirable that the Central Ameri
States should again form a Confederation adequate at least to the mana

[1] Notes to Central America, vol. 1.
[2] Below, this volume, pt. II, doc. 1219. The accompanying communication was not fo
[3] Instructions, American States, vol. 15.
Balis M. Edney, of North Carolina, was commissioned chargé d'affaires in Guate
on August 30, 1852, but did not proceed to his post. His commission was revoke
February 16, 1853.

ment of their relations with foreign powers by some con
You will accordingly express this opinion upon every suital
endeavor to accomplish the object by all proper means.

I am, Sir, [etc.].

1022

Charles M. Conrad, Acting Secretary of State of the United S
Marcoleta, Nicaraguan Minister to the United St

WASHINGTON, *Oct*

SIR: Your note of the 16 instant [2] has been received.

The President directs me to say in reply that at the so
Republic of Nicaragua this government was induced to in
offices in order to bring about, if possible a settlement of t
territorial difficulties between Great Britain and the so
nation and herself. It succeeded in obtaining the assent
to an arrangement [3] which although it did not award to N
territory she claimed awarded to her much more than Gr
ever before consented to admit to belong to her.

This arrangement however whether advantageous or no
was only recommended to her leaving it to her discretion to a

But not satisfied with rejecting it (which they had a perf
the Legislative Assembly of Nicaragua saw fit "solemnly to
all foreign interference in the affairs of their Governmen
censure as unjust as it was unexpected emanated from a
nation this government would, from a proper sense of wha
own dignity have declined any further connexion with the s
it is unwilling that the important interests involved in t
should be compromitted by what it is inclined to consider a
resolve of the Government of Nicaragua I am directed t
propositions emanating from that Government will be receiv
fully considered.

I avail myself of this opportunity [etc.].

[1] Notes to Central America, vol. 1.
[2] Below, this volume, pt
[3] Above, this part, note 4, p. 18.
[4] See above, pt. II, note

Edward Everett, Secretary of State of the United States, to John Bozman United States Chargé d'Affaires in Nicaragua [1]

No. 18 WASHINGTON, *December 30, 18*

SIR: Your despatch Nº 13 of the 27th. of October [2] was received yeste containing a copy of the letter of Mr. Castellon of the 25th. of Octo in which he declines, on behalf of his government, to appoint another M ter to this country in the place of Mr. Marcoleta, in accordance wit wishes of the President, as expressed in the despatch of my predecess the 1st of September.[4] The President is greatly surprized at this refus the Nicaraguan government to comply with his request.

In alluding to the personal courtesies extended by the President to Marcoleta as a reason for his continuing to exercise his functions a Nicaraguan envoy, in opposition to the express wishes of the Pres officially made known, Mr. Castellon adopts a line of argument of a tremely objectionable—not to say—offensive character.

Equally inadmissible is the suggestion, that the request for the app ment of another Minister in the place of Mr. Marcoleta, cannot be com with, unless the reasons upon which it was founded are previously set by this government, to be submitted to the Nicaraguan chamber. discussion which would result from such a course could not but be of the disagreeable and unprofitable character; besides that the President not permit any condition of this kind to be attached to the complian the Nicaraguan government with a request sanctioned by the most far principles of the public Law and the usage of civilized States.

It is of course impossible that the public business of a legation ca transacted to advantage with a foreign minister who is for any caus acceptable to the government to which he is accredited; and that cir stance is mentioned by the most approved authorities on the public La an adequate reason for requesting such Minister's recall.

The President does not doubt the right of the Nicaraguan governme refuse compliance with his request;—but he will regard such refus persisted in, as equivalent to the expression of a wish that diplomatic i course between the two governments should cease.

You will accordingly read this despatch to Mr. Castellon and furnis with a copy of it. He will understand it as a renewal of the request fo appointment of another person as the representative of the Nicaraguan

[1] Instructions, American States, vol. 15.

ernment in the place of Mr. Marcoleta, who has been already informed [1] that he can be no longer recognized by the President in that capacity.

You will also make known to the Nicaraguan Minister, that the President cannot consent to renew the discussions with his government on the subject of interoceanic communication by the Nicaragua route, without a satisfactory explanation of the grounds, on which the government of Nicaragua peremptorily rejected the propositions which, in conjunction with Her Britannic Majesty's Minister, the government of the United States agreed upon,[2] for the purpose of removing the obstacles which had existed.

I am, Sir, with great respect [etc.].

1024

Edward Everett, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [3]

WASHINGTON, *December 30, 1852.*

SIR: You are probably aware that some months ago Mr. Kerr, United States Chargé d'Affaires to the government of Nicaragua, was instructed to request that you might be recalled, and that some other person might be appointed as the representative of Nicaragua near this government. A despatch was yesterday received from Mr. Kerr,[4] transmitting a copy of a letter to him from Mr. Castellon, Minister of Foreign Affairs,[5] in which he declines, on the part of the Nicaraguan government, to comply with the President's request, and expresses a wish that the reasons on which it was founded should be set forth, in order to their being submitted to the Nicaraguan Chamber.

It cannot be necessary to say, that this course would be followed by discussions of the most disagreeable and unprofitable character; besides that the President cannot consent that any condition whatever should be attached to the compliance of the Nicaraguan government with a request, warranted by the most familiar principles of the Public Law and the practice of civilized States. He has therefore directed Mr Kerr [6] to renew the request for your recall and the appointment of another Minister and in the meantime I am instructed to inform you, that no communication can hereafter be received from you as the Nicaraguan envoy.

[1] See note to him of this same date, December 30, 1852, below, this part, doc. 1024.
[2] Above, this part, note 4, p. 18, are the propositions, and for the rejection by the Nicaraguan

Edward Everett, Secretary of State of the United States, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua[1]

No. 19 WASHINGTON, *January 5, 1853.*

SIR: Although the right of the Nicaraguan government to request the reasons of this government for wishing the recall of Mr. Marcoleta cannot be acknowledged, and although it would not be expedient in any event to make those reasons known to that government, it is deemed advisable that you should be informed of them, and that they should be placed on record in the Department.

On the 3d. of September, 1849, a Treaty between the United States and Nicaragua was signed at Leon, the 35th. article of which related to the construction of a ship Canal through the territories of that Republic. This treaty was communicated to the Senate by President Taylor with a Message of the 19th. of March, 1850. On the 19th of April next ensuing the Treaty between the United States and Great Britain upon the subject of the ship Canal was signed in this City. At this time, the Treaty between the United States and Nicaragua, above referred to, had not been disposed of by the Senate, and as some of the stipulations of the treaty with Great Britain were in conflict with it, it was deemed advisable that negotiations should be entered upon with Nicaragua for the purpose of harmonizing the two instruments. Accordingly, on the 17th. of June, 1850, Mr. Clayton addressed a letter to the Director of Nicaragua,[2] requesting that Mr. Carcache then the Chargé d'Affaires of Nicaragua at Washington, or some other person, might be empowered and instructed for the purpose. The receipt of this note was acknowledged by the Minister for Foreign Affairs of Nicaragua in a letter of the 17th. of September,[3] expressing confidence in the just and benevolent intentions of this government towards that Republic, but taking no notice whatever of the specific request contained in Mr. Clayton's letter.

In a communication to the Department of the 3d. of October, 1850,[4] however, the same functionary announced the appointment of Mr. Marcoleta as Minister Plenipotentiary of Nicaragua to the United States. At that time, Mr. Marcoleta was at London, accredited in the same capacity to the British Government. As he had not reached Washington by the 20th. of

[1] Instructions, American States, vol. 15. [2] See above, vol. III, pt. 1, doc. 759.
[3] This letter appears to be wrong. The note referred to is evidently the one of September

for Foreign Affairs of Nicaragua of the fact, mentioned that he had reason to believe that Mr. Marcoleta would not accept the appointment, and requested that another person might be appointed in his place. Mr. Marcoleta, however, did accept the appointment and was received by the President on the 22nd of February, 1851.

A conference took place between him and Mr. Webster in June, 1851. At this, Sir Henry L. Bulwer, Her Britannick Majesty's Minister, and Mr. Molina, the Minister of Costa Rica, were also present. The latter gentleman was invited to take part in it with a view to the adjustment of the disputes between Costa Rica and Nicaragua in regard to the boundary between those Republics, inasmuch as it was the obvious duty of both the United States and Great Britain to conclude no definitive arrangement either between themselves or jointly with Nicaragua, without giving a patient and impartial hearing to the claims of Costa Rica. Indeed the treaty between the United States and Great Britain of the 19th of April, 1850, imposed this as an obligation on this government, for its sixth article declares that "the contracting parties agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal, as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other in aiding and assisting the negotiation of such treaty stipulations; and should any difficulties arise as to right or property over the territory through which the said canal shall pass, between the States or governments of Central America, and such differences should in any way impede or obstruct the execution of said canal, the governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

It is understood that Mr. Webster, Mr. Molina and Sir Henry L. Bulwer agreed upon a basis of settlement, to which Mr. Marcoleta refused to accede, on the ground that his instructions would not warrant him in so doing. Meanwhile, you had been commissioned as Chargé d'Affaires of the United States to Nicaragua. Your instructions, which bear date the 6th. of June, 1851,[2] adverted to the controversy between Nicaragua and Costa Rica respecting their boundary, and directed you to suggest to the Nicaraguan government that it would be advisable for them to empower their Minister here to adjust that controversy, and to state that if adjusted under the

eignty, so far as respected foreign relations, in a confederacy with the States of San Salvador and Honduras. Many months elapsed before you were received by the Nicaraguan government, and your reception did not take place until after Nicaragua had resumed her separate independence. The condition of affairs in Nicaragua must certainly have been well known to Mr. Marcoleta. Notwithstanding this, however, under date the 30th. of October, 1851,[1] he addressed a note to Mr. Webster from New York, stating his opinions as to the basis on which the differences between Costa Rica and Nicaragua might be adjusted, and offering to come to Washington in company with Mr. Molina for that purpose. To this Mr. Webster answered under date the 11th. of November, 1851,[2] that the state of affairs in Central America and especially in Nicaragua, had for several months before become, and, so far as the Department was aware, still remained such, that it was extremely doubtful whether any good or lasting results could be expected from the negotiations proposed by Mr. Marcoleta. That in consequence of the new confederacy which had been formed in Central America, any step which Mr. Marcoleta might take as the diplomatic representative of Nicaragua only, would neither be binding upon her nor respectful to her confederates, so long as she acknowledged the validity of the compact which united them.

It is presumed that the same considerations of expediency and self respect which induced the Department to decline Mr. Marcoleta's proposition of the 30th. of October, 1851,[3] led it to withhold from him an invitation to join in the negotiations which resulted in the proposition to Costa Rica and Nicaragua signed by Mr. Webster and Mr. Crampton on the 30th. of April, last.[4] When those negotiations began no information had reached the Department that Mr. Kerr had been received, that Nicaragua had resumed her separate sovereignty as it regarded her foreign relations or that Mr. Marcoleta had received any new instructions. The President, however, still cherished personal good will for Mr. Marcoleta and a wish to allow him to take his proper share in any negotiations in which Nicaragua might be concerned whenever this could with propriety be done. Although he did not deem it advisable that a formal communication of the propositions to Nicaragua and Costa Rica should be made to him, he cheerfully gave orders that he should be allowed to read them. The paper containing them was accordingly, as I am informed, handed to him by the Chief Clerk of the Department, who suggested that he had better take his seat in the ante room

[1] Below, this volume, pt. II, doc. 1181.
[2] See below, this volume, pt. II, doc. 1181.
[3] Above, this part, doc. 1006.
[4] See above, this part, note 4, p. 18.

in order that he might be free from those interruptions which are necessarily frequent in the room occupied by the Chief Clerk. The Chief Clerk represents that he kept the paper much longer than was necessary to read it only; indeed, that so much time elapsed between the period when it was handed to him and when he returned it, that the Chief Clerk, pressed with other business, had forgotten that Mr. Marcoleta was in the Department.

On the 25th. of June last, the Senate adopted a Resolution in Secret Session requesting a copy of the propositions. From the terms of the Resolution it was apparent that its framer must have had a copy before him. The President answered the Resolution in a Message of the 26th. of June, stating that the information asked for would in due time be communicated to the Senate but intimating that its communication then would not comport with the public interests.

About the 1st of July a synopsis or copy of these propositions was published in the New York Courier and Inquirer over the signature of its Washington correspondent, who was known to be personally intimate with Mr. Marcoleta. The President was naturally and justly indignant and distressed at this unauthorized publication, and at once directed that the most searching inquiry should be made for the purpose of ascertaining how it took place. To this end, a Circular note was addressed by Mr. Webster to Mr. Crampton, Mr. Molina, and Mr. Marcoleta,[1] asking them if they had had any agency in the publication. This they each of them denied. Mr. Marcoleta, however, did not deny that he had not only read the propositions, leave for which had been granted by the President, but admitted also that he had taken a copy of the first five articles, but this he was not authorized to do. He was required by Mr. Webster to surrender the copy, which he did, and which is in his own hand writing, and is now on file in the Department.

In none of its proceedings has this government been actuated by any wish to dictate to Nicaragua or to take any step contrary to her interests and it has never volunteered its advice or aid in her behalf.

As early as November, 1847, the Nicaraguan government asked the interposition of that of the United States[2] for the purpose of preventing the seizure by the British of the territory claimed by Nicaragua on the Carribean Sea, and particularly the Port of San Juan. The good offices of this government in behalf of Nicaragua were again requested after that Port had been seized by the British in January, 1848,[3] and upon several subsequent occasions, particularly by Mr. Carcache, the Chargé d'Affaires of that Republic here, in his note to Mr. Clayton of the 7th. of May, 1850,[4] and in Mr. Marcoleta's note to Mr. Webster of the 7th. of May, 1851.[5]

[1] Not included in this publication, as the contents are adequately revealed in Mr. Molina's

Since the conclusion of the ship Canal Convention between the United States and Great Britain there however has been no foundation for that pretension. If on this point Mr. Marcoleta had consulted the Executive authority to which he was accredited he might long ago have undeceived his government and might have been furnished with instructions which would have enabled him to unite in an accommodation acceptable to all parties. There is reason to believe, however, that he has not only listened to other counsels but has made use of his position and influence for the purpose of thwarting the views of the President of defeating the construction of the Canal, and the operations of the Transit Company. His hostility to the latter since the instruction to you[1] asking for his recall has been a matter of public notoriety. The President has the success of both those enterprizes much at heart. His proceedings have been actuated by a conviction that to this end peace, harmony and a spirit of mutual accommodation were essential. But although he does not wish either of them to prosper at the expense of the interests or the just rights of Nicaragua, he can no longer consent to recognize their avowed enemy as the diplomatic representative of that Republic.

It may be proper to add, that Mr. Marcoleta's efforts to defeat the negotiation which was in progress were rendered doubly offensive by the ostentatious manner in which they were made. It was impossible for any person, living in the society of Washington, to remain ignorant of the boasts which he made of his influence with Senators, and of his menaces to use it. The executive might have been destitute of every feeling of self respect, if it had continued to place confidence in a minister, who was daily threatening that he would baffle their measures in the Senate.

These were a portion of the causes which led Mr. Webster, by express direction of the President and in the mildest terms in which it could be done, to express the wish that some person should be accredited to this government, in the place of Mr. Marcoleta. Had he not been the representative of a feeble power a more summary course would have been pursued. Such a request can never be refused between governments that desire to preserve amicable relations with each other; for a Minister whose recall has been asked loses, by that fact alone, all capacity for usefulness. If previously unacceptable, he must become doubly so, by being retained in office, in opposition to a distinct wish expressed for his recall.

It cannot be necessary to reply to the suggestion, that the causes ought to be stated, for which his recall was asked, with a view to their being submitted

[1] The one of September 1, 1852, not included in this publication. See above, this part, note 4, p. 29.

be seriously entertained.—It is true they might often be stated without inconvenience; it is equally true that such statement might be attended with disagreeable consequences. The discussions to which it would lead must be necessarily inconclusive, painful, and unavailing. It was as much from considerateness toward Mr. Marcoleta as from self respect that Mr. Webster forbore to state them. The most approved authorities on the public law mention as adequate causes of the dismissal of a Minister, that he is even suspected of misconduct or otherwise disagreeable. These of course stand in no need of statement or discussion. The gravity of the step is a sufficient safeguard against its being rashly taken.

It is a possible case that the objections to a minister may be in whole or in part of a personal character and wholly disconnected with politics. They may involve the feelings and the confidence of third parties. They may be of a nature not to be divulged without public and private scandal. Can it be thought for a moment that an obnoxious minister must be retained, unless the government which desires his recall will make itself the agent of disclosures, which are never uttered but in the most secret whispers of personal confidence?

There were peculiar reasons why the President's request should in this case be promptly complied with. Mr. Marcoleta has never been in Nicaragua; he is not personally known there. He has lived more than two years in the United States. That personal acquaintance which affords the only sure means of judging of fitness for high office is, with respect to Mr. Marcoleta, wholly wanting to the Nicaraguan government. The President and Mr. Webster in asking his recall proceeded on much better means of information, than the Director of Nicaragua in refusing it.

You will therefore, in respectful terms, renew the request that another minister should be sent in Mr. Marcoleta's place. Without stating the reasons why his recall is asked, you may explain why such statement cannot with propriety be made, and point out the insuperable objections to engaging in a controversy between the two governments on the qualifications of a minister. This you will do in conciliatory language. Should the request not be complied with in ten days, you will ask for your own passports, and embrace the first opportunity of returning to the United States.

It is possible that the Nicaraguan government, under the influence of the unwise counsels by which it seems guided, may persist in its refusal to comply with the President's request, and accompany its refusal, by way of retaliation, with a demand for your recall. In that case you will take care to let Mr. Castellon understand, that the wish of his government to suspend all diplomatic intercourse with the United States, has been anticipated by the President, in directing you to demand your passports, in case his request

demand your passports, you are at liberty to do so.

I am, Sir, [etc.].

1026

Edward Everett, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [2]

WASHINGTON, *January 11, 1853.*

Mr. Everett presents his compliments to Mr. Molina, and has the honor to acknowledge the receipt of his note of the 8th. instant [3] with the accompanying pamphlets on the subject of the limits between Costa Rica and New Granada, and in compliance with Mr. Molina's request will lay them before the President, in connection with the subject to which they relate.

1027

Edward Everett, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [4]

WASHINGTON, *February 23, 1853.*

SIR: Your communication of the 11th. of November [5] was duly received, and having been communicated to the President, I am directed by him to return you the following reply.

The President has viewed with great satisfaction the wise and conciliatory course pursued by Costa Rica, in reference to the terms of settlement proposed to her by Great Britain and the United States, in the articles agreed upon between this Department and the British Minister, on the 30th. of April, 1852.[6] In accepting, for the sake of peace and a final settlement of a harassing controversy, terms of agreement less favorable to her than she deemed herself entitled to demand, Costa Rica exhibited a praise-worthy example of that conduct, by which alone harmony can be preserved and war averted between contending equals.

In proportion to the satisfaction, with which the conduct of Costa Rica was viewed by the President, was his regret at the opposite course pursued by Nicaragua. The President, however, is unwilling to abandon the hope that she will yet feel it to be her true policy, to meet the other governments interested in measures of compromise.

[1] Above, this part, doc. 1023.
[2] Notes to Central America, vol. I.
[3] Below, this volume, pt. II, doc. 1230. There were no enclosures bound with the note.
[4] Notes to Central America, vol. I.

You are well aware of the causes which have prevented, during the present season, any attempts to induce Nicaragua to reconsider her refusal to accept the propositions of last April. The President regards the suggestions made in your letter as to a proper course of proceedings in reference to Costa Rica, as entitled to great respect. It is not impossible that it may become expedient hereafter to treat with her separately; but the President has not felt that the time had yet arrived,—and he has hoped it may never arrive, when this course will be unavoidable.

Recent communications from the government of Her Britannic Majesty having varied to some extent the state of the existing controversies in that region, the President has thought the moment favorable for a new effort to bring about an amicable settlement of all existing questions, thro' the channel of friendly negotiation. Under this impression, he has recommended to Congress to make an appropriation for an Envoy Extraordinary and Minister Plenipotentiary, to be accredited to all the States of Central America, and to reside, alternately, at their various seats of Government, as he shall deem expedient. The House of Representatives has viewed the proposal with favor, and it is expected also that it will be sanctioned by the Senate. Should this take place, the succeeding administration of the Government of the United States will be enabled to put their diplomatic relations with the States of Central America on a better footing than at any former period.

The President is confident that Costa Rica will regard this recommendation as a proof of the sincere friendship entertained by the President for all those States, and as far as she is concerned, will continue to coöperate efficiently, as she has done heretofore, in a policy of general conciliation and compromise.

I avail myself of this opportunity [etc.].

1028

William L. Marcy, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [1]

WASHINGTON, *March 15, 1853.*

The Undersigned, has the honor to acknowledge the receipt of Mr. Molina's note of the 10th: instant,[2] together with the pamphlets relating to the questions of boundaries between Costa Rica and New-Granada, therewith,

which the United States must feel a deep and abiding interest, and assures His Excellency, the Minister of Costa Rica, that he will embrace the earliest practicable opportunity of carefully examining the subject discussed in the pamphlets received and of communicating the wishes of the government of Costa Rica as expressed in Mr. Molina's note to the President of the United States.

The Undersigned avails himself of this occasion [etc.].

1029

William L. Marcy, Secretary of State of the United States, to Solon Borland, United States Minister to Nicaragua [1]

[EXTRACTS]

No. 2 WASHINGTON, *April 27, 1853.*

SIR: You have received your Commission as Envoy Extraordinary and Minister Plenipotentiary of the United States to Central America. Herewith are communicated to you the following documents, which will be necessary or useful in the discharge of the duties of your Mission.[2]

1. A sealed letter accrediting you to the President of the Republic of Costa Rica, and an open copy of the same.

2. A similar letter (and copy) to the President of the Republic of Guatemala.

3. A similar letter (and copy) to the President of the Republic of Honduras.

4. A similar letter (and copy) to the President of the Republic of Nicaragua.

5. A similar letter (and copy) to the President of the Republic of San Salvador. . . .[3]

Should you deem it expedient to change the place of your official residence from one capital to another, you will be allowed the travelling expenses of yourself and the Secretary of Legation. These, however, will not include the expenses incident to your residence at the seat of government of any one of the States. Of the travelling expenses referred to, you will of course keep accurate accounts, which must be supported by proper vouchers, where they can be obtained.

I am, Sir, respectfully [etc.].

[1] Instructions, American States, vol. 15.

Solon Borland, of Arkansas, was commissioned as envoy extraordinary and minister plenipotentiary to the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, on April 18, 1853, but he presented his credentials only to the Republic of Nicaragua. He left Nicaragua on April 17, 1854, and resigned on June 30, 1854.

[2] No copies of the enclosures mentioned are with the file copy of this instruction.

William L. Marcy, Secretary of State of the United States, to Solon Borland, United States Minister to Nicaragua [1]

No. 3 WASHINGTON, *June 17, 1853.*

SIR: The mission to which you are appointed, may be considered of peculiar importance under existing circumstances. Our relations with Central America have become much more interesting since the acquisition of California by the United States, and it is desirable to us but more so to the several Republics of that Country, that these relations should be of the most amicable character.

Your acquaintance with the embarrassing questions which have arisen between the United States and Great Britain in regard to Central America, will supersede the necessity of presenting in detail or discussing them in this communication.

It was generally believed that much was done towards their adjustment by the Convention between the United States and Great Britain, of the 19th. of April 1850, but there is now good reason to apprehend that this Treaty, instead of removing difficulties, has increased them. Very different constructions have been given to it. I cannot in any way so clearly put you in possession of the views which the British Government take of this treaty, as by sending with this despatch a copy of the opinion obtained officially by that Government from the Queen's Advocate [2] and a copy of a despatch from Lord Clarendon, Her Britannick Majesty's principal Secretary of State for Foreign Affairs to Mr. Crampton, Her Minister here,[3] and by him read to me at the request of his Government. From these documents it appears to be quite evident that the British Government, notwithstanding this Treaty, claim the same right to intermeddle in the affairs of Central America that they had before it was concluded, and continue to manifest an equally forward disposition to do so. Yielding to the construction given to it by the British Government, very few of the objects which constituted our inducement to enter into that compact, have been obtained.

There is some diversity of opinion here as to the true construction of that treaty, and I am not now prepared to give you, with much explicitness, the views of the President in this matter. It is not improbable that some discussions will take place between the parties to this instrument, from which may result an agreement as to its true meaning. The British government deny that it has yielded any thing by that Treaty in regard to its protectorate of the Mosquito Indians. It however professes a willingness, as I under-

[1] Instructions, American States, vol. 15.

[2] This document is dated April 15, 1853, and will be found in a footnote to Crampton's

tribe, having only possessory rights to the country they occupy and not the sovereignty of it, they can not fairly be required to yield up their actual possessions without some compensation. Might not this most troublesome element in this Central American question be removed by Nicaragua in a way just in itself and entirely compatible with her national honor? Let her arrange this matter as we arrange those of the same character with the Indian Tribes inhabiting portions of our own territory. I think it would be proper for you to urge upon Nicaragua this view of the subject. An inconsiderable annuity secured to the Mosquitos for their right of occupancy to the country in their possession given up to Nicaragua, would, I believe, cause the British Government to abandon their protectorate over them; assurance of this is given to the United States. Such a course would not, in my opinion, be an acknowledgement directly or by implication of the rightful interference by the Government of Great Britain in the Mosquito question.

It must be very desirable for the State of Nicaragua to be disembarrassed from this British protectorate, and any suggestions or advice you may be able to give in this matter cannot but be kindly received. You should endeavor to satisfy Nicaragua, if she has any doubts on the subject, that the United States has always concurred in her views in regard to the British protectorate of these Indians, and resisted the pretensions of Great Britain in that matter.

Wishing to adjust the difficulties arising from this Mosquito protectorate, and the dispute between Nicaragua and Costa Rica in regard to boundaries, Mr. Webster on the part of the United States and Mr. Crampton on that of Great Britain in April, 1852,[1] agreed upon certain propositions, to be submitted to these two States. They were accepted by Costa Rica, but rejected by Nicaragua. If Nicaragua could be induced to accept these propositions, or others of somewhat similar import, a considerable advance would be made, not only towards adjusting the Central American question, but towards establishing peaceful and friendly relations between these two neighboring States.

There is a still further view of the pernicious consequences resulting from these boundary disputes and the continuance of them. Important districts of the territories in dispute are left open to foreign intrusion. No visible acts of jurisdiction being exerted over them, those who enter as trespassers, after remaining undisturbed for some time, claim title under some pretence or another. This has been the case in regard to the Mosquito coast. There

[1] Dated April 30, 1852, above, this part, note 4, p. 18.

these Indians—and now it extends many hundred miles along the coast, and to islands to which no pretension was made until within a few years past. This claim is sustained by British authority, and the country covered by it is in fact a British possession. The Mosquito King is a mere effigy, and the protectorate, a piece of political machinery used merely for the purpose of sustaining the British dominion to whatever can be covered by the Mosquito pretension. While these territorial disputes are kept up among these States, this dominion is extending and the difficulties of dislodging the intruders become more formidable.

The Central American States are more deeply and directly interested than the United States, in preventing European nations from establishing new Colonies upon this continent, and they should be induced to concur in the wisdom of this policy of restraining them, and to do what they can to carry it into effect. The early adjustment of the boundary questions, and the establishment of friendly relations among themselves, would aid very much towards this desirable object. Unless they are blind to their own interests, the United States will receive their ready concurrence in resisting encroachments for the purposes of colonization by foreign nations upon the American Continent and the adjacent Islands. It will be your duty to present this subject in a strong and clear light to the several governments to which you are accredited.

The anomalous condition of the town of San Juan de Nicaragua, or, as the British call it,—Greytown—requires some explanation. Great Britain regards the settlement at that place as a political organization emanating from the Mosquito power, and hence derives her pretensions to extend her protection over it. This is not the view here taken of that subject.

As there was at that place an association or community assuming something like a government *de facto*, and as our citizens resorted thither with their property, orders were issued to our naval officers to protect them. For this purpose, and for this only, the United States gave a temporary countenance to the actual authorities at San Juan,—but it has never acknowledged that these authorities were a rightful government to be sustained against the State within the limits of which the town was situated. In its correspondence with the British government, the United States has denied the pretensions set up for the people at San Juan to any political organization, or power derived in any way or form from the Mosquitos.

It is not necessary, for any purposes of your mission, to show, as might be done, the unfounded character of these pretensions of Great Britain, and the series of aggressions upon the rights of more than one of the Central American States, under color of this protectorate.

between Costa Rica and Nicaragua the question respecting the Mosquito coast is intimately connected. The staple production of the former State is coffee of a superior quality, which is chiefly consumed in England. It is understood that most of it is sent to market by the way of the Serapiqui and San Juan rivers to the port of San Juan, for shipment.

The returns, in British manufactures, are sent back by the same route. The possession of San Juan by Nicaragua, especially if she should impose any restrictions on commerce there, would therefore necessarily be objectionable to British merchants interested in that trade. While the Government of the Confederation existed, exports from and imports at San Juan were of course regulated by national laws, with the operation of which no jealousies or controversies between contiguous States interfered.

The same condition of things might be hoped for if the Central American States would again form a Confederation. Other inconveniences would be avoided and many advantages would be secured to the people of the respective States by restoring the former union upon an improved basis. These, it is deemed unnecessary to specify, as they will readily occur to you. Consequently, in your intercourse with public men in Central America, you will endeavor to impress them as far as practicable with views favorable to the reëstablishment of a Confederation among them. It will, of course, be advisable to do this in an unobtrusive manner in order not to offend their peculiar sensitiveness in regard to the interference of foreigners in their domestic concerns.

The information however which we possess in regard to the condition of the respective States to which you are accredited and their relations towards each other does not allow us to indulge sanguine hopes of an efficient confederation within any short period. Should it appear to you, as it is feared it will, that no such measure can be accomplished, there will still remain much for you to do of great usefulness to these States and to this Government. Their rising importance is now attracting the attention of the world and their position among the family of nations would soon be elevated and they would be prosperous republics if they could be brought into harmony with each other and devote their energies to develope their natural resources. The dissensions among themselves have presented serious obstacles to their progress. They have doubtless embarrassing questions, and as long as these exist, their friendly relations will be disturbed. Whatever you can do to quiet these or any other disputes, (carefully avoiding the imputation of an improper interference in their internal affairs) it will be your duty to do. To each, and in equal degree, the United States feels kindly disposed, and wishes to be on amicable terms. This government has no object in seeking friendly

relations with them inconsistent with their political rights and national prosperity.

It wishes to establish commercial intercourse with them, because it will be for the mutual benefit of all. They are all within the circle of American States, blessed with similar political institutions and mutually interested in sustaining them. These considerations should make the commercial and political connection among themselves and with this country stronger and closer. Under the influence of such affinities the United States would naturally be more willing to extend to them her friendship than to Governments of a different organization and they should be more ready to accept or seek it than to desire a connection with more distant nations, having political principles less congenial to their own.

You will avail yourself of every fair opportunity to press these views upon the influential and public men in each of the Central American States.

The interests and the security of the American States—(we mean to include among them our own)—naturally draw them together into a sort of association somewhat different from that which they are likely to have with transatlantic nations, and better secured by political sympathy and common reciprocal advantages. This association of the American States, looking to their mutual welfare and repelling the meddling interference of the Governments of another continent, may not inappropriately be denominated the American policy. The advantages of being included within such an association when presented to the people of the Central American States, cannot fail to be appreciated by them. Among these advantages will be the assurance of greater stability to their free institutions, better guaranties of internal and external tranquillity and the establishment of commercial relations more permanent and profitable than they can hope to obtain in any other way.

The detriment which some of these states have received from the intermeddling of England in their affairs on the pretense of a protectorate over a miserable and degraded tribe of savages—the Mosquitos—and by unwarrantably extending her restricted grants is an instructive lesson to them on this subject. So far as advantages are to be obtained from the friendship of the other nations, they can look to the United States with better hopes and more confidence than to any other power.

The protection of American citizens in their property and personal rights, is a duty especially devolved upon you as the Representative of the United States—the performance of which it is scarcely necessary to enjoin upon you. While claiming as their right this protection on the one hand, it is their duty on the other to comply with the laws of the country within which they have

as an enterprize of great public utility. You will use your good offices with Nicaragua and Costa Rica in its behalf. Should you discover on the part of either a disposition to delay or embarrass the execution of this work, you are requested to exert your influence to remove difficulties and secure for it the favorable regards of both of these States.

We have treaties with Guatemala, Salvador, and Costa Rica, recently concluded. A treaty with Nicaragua was also negotiated and signed at Leon on the 3d of September, 1849, and was laid before the Senate by President Taylor. It is understood, however, that, as the 35th Article contained stipulations which were considered at variance with the Convention with Great Britain, of the 19th of April, 1850, the Senate has not acted upon it.

Under these circumstances you may propose to the Nicaraguan Government a treaty without the article relative to the Canal. The treaty between the United States and Salvador, of the 2nd of January, 1850, will afford you a general model for those you may negotiate with any of the other States.

On the 28th of September, 1849, a treaty between the United States and Honduras was signed at Leon in Nicaragua. This treaty, however, has never been submitted to the Senate of the United States. There were some features of it deemed objectionable. You will propose to that State to enter into a new one, containing substantially the provisions of that with the State of Salvador.

A treaty with Honduras in the ordinary form may prove advantageous to both countries.

In the Treaties you are authorized to negotiate, you should endeavor to incorporate a provision similar to that in the Treaty with Salvador, allowing citizens of the United States to purchase and hold real estate for any purpose whatever. The advantages of such a right will at once present themselves to your mind. The residence of our citizens in these States would impart strength and stability to the political and commercial relations which, for the mutual interest of both countries, should be maintained. Our citizens, should they find sufficient inducements to settle in any of these States would carry with them their capital and that enterprise, for which they are so much distinguished. Coming from a country of similar political institutions, imbued with the principles of a free government harmonizing with their own, such residents could not excite jealousies, or create any apprehensions of disturbing influences.

If you should ask for such a stipulation you may be met with a proposition to make it reciprocal. This reciprocity should be avoided if possible, because it might hazard the ratification of it by the Senate of the United States. The several States of this Union have, respectively, the right to regulate the

of this Union is so liberal in regard to allowing foreigners to hold real property therein that such a reciprocity clause would be of very little consequence to the citizens of any of these Republics coming to reside in this country. Should you fail to get such a clause in the treaties to be negotiated, you may, perhaps, be able to accomplish the same object by the action of the Legislatures of these States. If the subject was presented to them in a proper light, the advantages would be so obvious that they would hardly hesitate to make liberal provisions in favor of our citizens who might be disposed to settle among them.

With the political dissensions within the several States of Central America you will sedulously abstain from interfering, in a way to identify yourself with any section, or impair your usefulness as a representative of a friendly power. It is understood that the most common division of parties there is that known as the "Serviles" and the "liberals." The serviles have for some time been in the ascendancy in Guatemala and Costa Rica, and the liberals in the other three States. You will be frank and cordial in your intercourse with leading men of all parties. We have no interest at variance with the peace, prosperity and happiness of any of those States, but have every desire that those blessings may be enjoyed by them all; a result which cannot fail to redound to the advantage of the United States.

Recent advices from Nicaragua induce the President to apprehend that you may find among the people of that State an unfriendly feeling towards the United States. This may in some degree be ascribed to the difficulties which here arose with Mr. Marcoleta. There was nothing in that transaction intended to be in the least degree disrespectful to Nicaragua. By this assurance, which you are requested to give to the government of that State, and by impressing upon it the fact that the government and people of the United States have the most kindly feeling towards Nicaragua and are desirous of establishing and maintaining friendly relations with her, it is hoped that you will be able to remove any unfavorable impressions there existing against this Country. This government is not aware of having done any thing to provoke any unfriendliness in that quarter towards our citizens or government. The manifestation of good intentions towards Nicaragua on our part, and of our sincere desire to have the most amicable relations with her, must soon dispel the prejudices against us which may happen to exist in that State.

The United States would be pleased to have Nicaragua represented at Washington. Without indicating a preference for, or objection to any one she may be inclined to send hither, you might, if a fair occasion should offer, and you could do it without the hazard of giving offence, intimate that some other would probably be more likely to subserve her interest here than Mr.

government it would not feel at liberty to make any objection to his reception.

It is expected that you will keep this Department advised of the political affairs of the several Central American States — of the progress you may make in accomplishing the objects of your mission, and of the obstacles you may meet with. These States are assuming daily, in the estimation of this government, increased importance, and their future destiny is a subject of great anxiety. The information you may furnish to enable it to form correct opinions of their present condition and future prospects, in a political, commercial and social point of view, will be interesting and useful.

I am, Sir, respectfully [etc.].

1031

William L. Marcy, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States[1]

WASHINGTON, *October 14, 1853.*

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, Envoy Extraordinary and Minister Plenipotentiary of Costa Rica, of the 26th ultimo,[2] and to assure him, in reply, that there is no just grounds for his apprehension that the rights of his government may be prejudiced or in any way disregarded by any arrangements which Mr. Buchanan may enter into with Great Britain in regard to the affairs of Central America. In several interviews with Mr. Molina the Undersigned has had occasion to explain to him the views of the government of the United States in regard to the questions of boundary and jurisdiction between the several States of Central America. This Government is sincerely desirous that these States should settle these questions in an amicable manner among themselves.

Mr. Borland, the United States Minister to Central America, is instructed to use his good offices in regard to any controversies that may exist among the Central American States, but at the same time he is cautioned against any interference in these matters which may be objectionable to any one of them.

The Undersigned has the honor [etc.].

[1] Notes to Central America, vol. 1.

[2] Below, this volume, pt. II, doc. 1249.

William L. Marcy, Secretary of State of the United States, to Felipe Molina, designated Salvadoran Minister to the United States[1]

WASHINGTON, *October 15, 1853.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of Mr. Molina's note of the 14th instant[2] enclosing a copy of the letter accrediting him as Minister Plenipotentiary of the Republic of San Salvador, and requesting the appointment of a time for presenting the original to the President.

Accordingly the Undersigned has the honor to inform Mr. Molina, that the President will receive him for the purpose indicated, on Monday the 17th instant, at 12 O'clock, M.

The Undersigned avails himself of this opportunity [etc.].

1033

William L. Marcy, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States[3]

WASHINGTON, *November 16, 1853.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to him by Señor Don José de Marcoleta, under date of yesterday,[4] requesting the appointment of a time for his presenting to the President the letter accrediting him as the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua.

In reply, the Undersigned has the honor to inform Mr. Marcoleta that the President will receive him for that purpose, to-morrow, the 17th. instant at 12 O'clock.

The Undersigned avails himself of this occasion [etc.].

[1] Notes to Central America, vol. 1.

[2] The note from Molina is not included in this publication; its contents are indicated in this acknowledgment. Neither would this note, to him, have been included, if Molina had been the representative of Salvador only.

[3] Notes to Central America, vol. 1.

[4] Not included in this publication; its contents are indicated here. Neither would this have been included, except for the previous correspondence regarding the requests for his recall which had not been complied with.

1034

William L. Marcy, Secretary of State of the United States, to Solon Borla United States Minister to Nicaragua[1]

No. 7 WASHINGTON, *November 18, 185*

SIR: Your Nº 6, of the 18th October,[2] enters somewhat fully in connec with other important subjects into the consideration of the present r tions between the Accessory Transit Company and the Governmen Nicaragua, and of the points at issue between these parties.

It appears that you have been solicited, both by the Company and by Government, to act as arbiter in the adjustment of the differences pend and that having a full appreciation of the responsibility of the position, have consented to accept the trust reposed in you.

As you have been fully informed by the agents of the Company of ground they have assumed, and as you will enjoy every possible facility becoming thoroughly acquainted with the merits of the case, and for ren ing a wise and impartial award, and as, especially, it is deemed emine desirable that these differences should be speedily and amicably adjus the Department interposes no objection to the exercise, *unofficially*, of y good offices in determining the delicate question submitted to you un circumstances so likely to promote a harmonious result.

No despatch subsequent to your Nº 6 has been received. The sev points regarding which you desire to be instructed are under considerat and no time will be unnecessarily lost in deciding as to the course to be p sued, and in communicating the same to you.

I am, Sir, respectfully [etc.].

1035

William L. Marcy, Secretary of State of the United States, to Felipe Mol Costa Rican Minister to the United States[3]

WASHINGTON, *December 17, 185*

The Undersigned, Secretary of State of the United States, has the ho to acknowledge the receipt of the note of Mr. Molina, Envoy Extraordin

mail from the Atlantic coast to California he is unable to discover any grounds for such an objection as the Minister of Costa Rica has presented in that note. In employing that Company for such a purpose the United States make no decision or intimate any opinion as to the rights of either Nicaragua or Costa Rica to control the navigation of the river San Juan or the Nicaraguan Lake, nor do they undertake to enquire into the origin of that Company's right of transit—now used by it—across the Isthmus. All they know or care to know is that the Nicaragua Company have established such a transit and constantly use it to carry passengers and merchandise over the Isthmus to the Pacific coast. An agreement with it to carry the United States mail implies no expression of opinion as to which of the two States—Nicaragua or Costa Rica—has the right to grant or has granted the privilege of transit to that Company. It is an entire mistake on the part of the Minister of Costa Rica to assume that by employing the Transit Company to carry a mail the United States would express or intend to express any opinion either in favor of or adverse to the claim of Costa Rica to control the navigation of the River San Juan or the Lake of Nicaragua. If the Transit Company are infringing the rights of that State it will have the same authority to obstruct or withhold from the use of that Company that navigation as well after as before contract shall be made with it to carry the United States mail. Such a contract is not, nor is it intended to be any interference with the rights of Costa Rica whatever those rights may be.

Taking this view of the subject, which is the correct one, Mr. Molina will see that the acceptance by the Postmaster General of the United States of the proposition of the Company should it be accepted to carry the United States Mail across the Isthmus affords not the slightest ground of complaint by Costa Rica that this Government are in any way interposing in the dispute which exists between that State and Nicaragua as to the navigation of the River San Juan and Nicaragua Lake.

In relation to the proposition referred to by Mr. Molina of submitting the dispute to the arbitration of the United States the Undersigned will only say that the parties have not concurred in any such submission. If they should do so the Undersigned believes, as he has heretofore intimated to Mr. Molina, that the President would consent to act as Umpire in that matter.

The Undersigned [etc.].

William L. Marcy, Secretary of State of the United States, to Solon Borland, United States Minister to Nicaragua [1]

No. 8 WASHINGTON, *December 30, 1853.*

SIR: Your several despatches to Nº 11,[2] inclusive, have been received at this Department.

In relation to the Clayton and Bulwer Treaty about which so much is said in your despatches I have only to remark, that this government considers it a subsisting contract and feels bound to observe its stipulations so far as by fair construction they impose obligations upon it. If Great Britain has failed, or shall fail, on her part to fulfil the obligations she has therein assumed, or if she attempts to evade them by a misconstruction of that instrument, the discussions that may arise on these subjects must necessarily take place between the parties to it. The views taken of that Treaty by the United States, and your course in relation to it, pointed out in your first instructions,[3] will be observed until you receive notice of their modification. In these instructions you were furnished with the views of one of the contracting parties—Great Britain—but at the same time you were informed that the United States did not concur in them. In the negotiations at London in regard to the affairs of Central America the meaning of that instrument will come directly under discussion. So far as respects your mission you will regard it as meaning what the American negotiator intended when he entered into it, and what the Senate must have understood it to mean when it was ratified, Viz: that by it Great Britain came under engagements to the United States to recede from her asserted protectorate of the Mosquito Indians, and to cease to exercise dominion or control in any part of Central America. If she had any colonial possessions therein at the date of the Treaty she was bound to abandon them, and equally bound to abstain from colonial acquisitions in that region. In your official intercourse with the States of Central America you will present this construction of the Treaty as the one given to it by your government. It is believed that Great Britain has a qualified right over a tract of country called the Belize, from which she is not ousted by this Treaty, because no part of that tract when restricted to its proper limits is within the boundaries of Central America.

I was not a little surprized at the request contained in your despatch Nº 3 [4] for further instructions in regard to the propositions to be submitted to Nicaragua and Costa Rica for the adjustment of their boundaries, and at the extended comment you make upon the awkwardness of your position in case you were to submit them in conjunction with Great Britain. There

[1] Instructions, American States, vol. 15. [2] See below, this volume, pt. II, doc. 1256.
[3] Secretary Marcy's No. 3 to Borland, June 17, 1853, above, this part, doc. 1030.

is nothing in your instructions as I read them, to excite any such apprehension as you seem to entertain—and nothing to indicate that Great Britain was to take any part with you in that matter. I did not immediately reply to this request because I thought that your misapprehension on the subject would be removed whenever you had occasion to recur again to these instructions. It is true, that the propositions referred to have had the approval of Her Britannic Majesty's Minister, Mr. Crampton, but Great Britain has no participation in bringing them again to the consideration of the two Central American States concerned in the matter to which they relate.

I trust that your individual views as to the proposed article in the Treaties which you are authorized to negotiate will not prevent you from inserting it in them in conformity with your instructions. The Senate having ratified a Treaty containing such an article, it is not to be presumed that that Body would reject another Treaty merely because the same article was in it. Had the President questioned its constitutionality he would not have instructed you to propose it. However, any modification of it provided the effect be substantially the same, or nearly so, will be approved. Having accepted the umpirage in regard to the difficulties between the Accessory Transit Company and the State of Nicaragua will be unnecessary to give you any instructions in regard to your conduct in that matter, besides those contained in my Nº 7.[1]

The President does not adopt your suggestion in relation to substituting a Consul for the present Commercial Agent at San Juan de Nicaragua. The agent subserves all the commercial purposes of a Consul. As the civil authority of Nicaragua is not now established *de facto* at San Juan, a Consul having his Exequatur from the Government of that State might not be permitted by the present local authority to exercise his functions. Besides such an appointment would alarm the jealousy of Costa Rica which, you are aware, claims a joint right in the Harbor and River of San Juan. Whatever may be the views of this government in regard to that claim, it would be unwise, for so small an object, to incur the imputation of taking sides in this dispute against Costa Rica. It is not deemed expedient to make the suggested change so long as things at that place remain in their present condition.

I hope your visit to Honduras will result in all the advantages you anticipate. It will be your duty to use whatever influence you can exert to induce this State to take a firm stand in the defence of her rights and to resist the encroachments of Great Britain or any other power upon her Territory.

are not authorized to pledge the faith of the United States to put that State in possession of the Bay of Islands. Should Great Britain hold that colony under a claim of right, however unfounded that claim may be, and persist in holding it, it would not, I apprehend, be competent for the Executive authority of the United States to attempt to expel her by force of arms without the express authority of Congress. To carry out the assurance you propose to make to Honduras might require this Government to commit an act of war. Your instructions would not warrant you to take such a step, and I trust you will not think of venturing upon it. This limitation to your intentions will not prevent you from apprizing the government of Honduras of the views of this government as to its right to these islands, and as to the unfounded pretensions of Great Britain to hold any of them, but should she persist in doing so in defiance of the Treaty of the 19th. of April 1850, and in contravention of the policy of the United States in regard to new Colonies on the North American Continent, it will be for the government here to determine what will be its course in such a case.

You will not fail to impress not only upon Honduras but upon all the other States to which you are accredited a due sense of the extreme anxiety of the United States to prevent European nations from intermeddling with the affairs of Central America. There are, running through all your despatches, complaints of the conduct of Great Britain, but these complaints are not accompanied with any specification of acts, and I am left in doubt as to the foundation of them. I wish you had furnished the department with a particular account of her proceedings to which you take exception. I presume that you refer to other matters than the affairs at San Juan de Nicaragua, the Colony of the Bay of Islands, and the Mosquito protectorate, and, if you do, you have left me ignorant of the conduct of which you complain. Without a full and authentic knowledge of the facts constituting the grounds of your complaints, you will readily perceive that the Government here can take no steps in regard to them.

In your last despatch (Nº 11) [1] you speak "of British machinations which seem to me [you] to be not only in violation of the spirit of the Treaty of the 19th. of April 1850, but absolutely devilish in their purposes—certainly so in the means resorted to for their accomplishment, and in the consequences that must flow from them, and you ask, "Shall we do nothing to counteract all this? Shall we remain idle and seemingly unconscious while Great Britain keeping, *as she supposes*, out of sight and by secret but active influences doing mischief not only to these countries, but to our interests in connection with them." I do not perceive in any part of your despatches

and decided steps. You must see that without any knowledge of the character of the evil it is very difficult to prescribe a remedy.

You admit that "what you will have to do you cannot, of course yet say with precision, for almost every thing must depend upon circumstances at the moment of action." If with your knowledge of the course of conduct complained of you cannot conceive what it may be expedient for you to do, how is it possible that the government here without any such knowledge can give you "special instructions" for the guidance of your conduct?

In unanticipated events you may be called on to act without special instructions, but in your diplomatic character I do not see the great danger you seem to apprehend of involving your "country unnecessarily and improperly." You have no military force under your control, and no authority to bind your government, except by Treaty, which must be sanctioned by the government here before it becomes obligatory. I am not, therefore, aware of the course of conduct which you propose to pursue involving as you apprehend such fearful responsibility. I can do no more in the way of complying with your request for further instructions than I have in the foregoing remarks, until I am better advised of the condition of things in Central America, and furnished with some data by which I can form some conjecture of the character and probability of the evils you anticipate.

The objects of your mission and the general course of conduct you are expected to pursue are, I believe, indicated with sufficient distinctness in your general instructions. By the aid of these and with your knowledge of the policy of this government towards the Central American States I do not doubt you will be prepared to act as the interest and the honor of your country may require in any emergency.

I am, Sir, respectfully [etc.].

1037

William L. Marcy, Secretary of State of the United States, to Solon Borland, United States Minister to Nicaragua [1]

No. 10 WASHINGTON, *February 3, 1854.*

SIR: Repeated representations have been made to this Department of the constantly recurring annoyances to which the Accessory Transit Company of the United States is subjected by the government of Nicaragua, in the prosecution of its business solemnly guaranteed by that government. It was expected that the differences between these parties, would have been satisfactorily adjusted before this and the more confidently, as you had consented to act unofficially as a mediator between them. This expectation

While it is the purpose of this government not to take upon itself any responsibilities which do not come legitimately within its sphere of action, I am nevertheless induced to instruct you to exert your best efforts to secure for the Accessory Transit Company, the free and full enjoyment of all the rights and privileges secured to it by the terms of its charter, and to use your good offices in any case in which the government of Nicaragua may seem inclined to impose unnecessary or unjust conditions upon that Company.

A copy of this despatch is enclosed to Mr. Mayorga, Minister for Foreign Relations, so that, in case of your absence from Nicaragua, the government of that Republic may learn that the United States are not indifferent to the grievances to which the Transit Company is liable.

I am, Sir, very respectfully [etc.].

1038

William L. Marcy, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [1]

WASHINGTON, *February 21, 1854.*

The Undersigned, Secretary of State of the United States, has not been able to comply with the request contained in the note of the Envoy Extraordinary and Minister Plenipotentiary of Nicaragua, of the 24th. ultimo,[2] to coöperate with that Republic in the effort he is making to negotiate a treaty between it and Great Britain on the basis proposed by Mr. Marcoleta to Lord Clarendon, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs. Mr. Marcoleta must be fully aware that the United States deny that Great Britain has any sovereign rights over any part of Central America. To treat with her in the way proposed or to coöperate in making such a treaty would be a distinct acknowledgment that she has such rights. Such a treaty would also interfere directly with the claims set up by another of the Central Republics—Costa Rica—and very little would be accomplished towards settling the questions which are now disturbing Nicaragua in regard to boundary and jurisdiction unless Costa Rica were a party to it. The principal matters embraced in the Projet of the Treaty submitted to the Undersigned by Mr. Marcoleta relate to the conflicting claims and pretensions between that Republic and Nicaragua, and they could not certainly be disposed of by an arrangement with Great Britain, which has no sovereign rights whatever in Central America. It is true the latter power claims a right as assumed Protector of the Mosquito Indians to see that they are fairly treated. To this end she would feel authorized to look to any

[1] Notes to Central America, vol. I. [2] See below, this volume, pt. II, doc. 1052.

affect the condition and well-being of this tribe of Indians, but beyond that object her interference could not be invoked without an implication that she had rights which the United States as well as Costa Rica and Nicaragua deny to her.

The negotiation proposed by Mr. Marcoleta, in which he solicits the coöperation of the United States, should be with Costa Rica, and not with Great Britain—and with it Great Britain should not be invited to interpose any further than to yield her acquiescence in any provision that may be made for the Mosquitoes. It is very questionable whether the United States should or would countenance her interposition even to this extent, for they do not acknowledge that Great Britain has now or ever had a rightful protectorate over these Indians. Entertaining these views, the United States cannot, as must be very evident to Mr. Marcoleta, coöperate with Nicaragua in the proposed negotiation with Great Britain. At the same time it is proper to say that the United States are anxious that all the questions which are disturbing the friendly relations between the Central American States should be amicably adjusted, and they are ready to lend their good offices to bring about such a desirable result.

The Undersigned avails himself of this occasion [etc.].

1039

William L. Marcy, Secretary of State of the United States, to Solon Borland, United States Minister to Nicaragua [1]

No. 11 WASHINGTON, *March 2, 1854.*

SIR: It has been represented to this Department, by Mr. Molina, Minister Plenipotentiary of Guatemala near the government of the United States, that the Republic of Honduras is, and has been for more than a year, in a state of war with Guatemala, and that citizens of this country have been engaged in supplying the government of Honduras with fire-arms, and other implements of war, in order to enable it to prosecute hostilities. He has made a formal application for the interference of this government to prevent this traffic in articles contraband of war.[2]

At the time of your departure upon your mission you were instructed to use your friendly offices, in a manner that would not be offensive to either, to heal any dissensions that might exist or arise, and to promote the general harmony, one with another, of the Central American States. While I am quite confident that you have been, and will continue to be, guided by the

state of affairs in Honduras and Guatemala, particularly as to a belligerent attitude they at present hold towards each other.

If the war be other than a mere *quasi* one, and be prosecuted in earnest, it will be the duty of this government to maintain strict and impartial neutrality between the belligerent parties; and you may assure the authorities of each Republic that such will be the course of the United States towards them respectively.

Your No. 12, is the last despatch [1] received from you.

I am, Sir, respectfully [etc.].

1040

William L. Marcy, Secretary of State of the United States, to Felipe Molina, Guatemalan Minister to the United States [2]

WASHINGTON, *March 16, 1854.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, Minister of Guatemala, of the 14th. ultimo,[3] relative to an exportation of arms and munitions of war from the port of New York, consigned to the Consul of the United States at Omoa in Honduras. Mr. Molina represents this as a breach of the neutrality of this government during the existing war between Honduras and Guatemala, and as an offence against the Act of the Congress of the United States of the 20th. of April, 1818, and requests that measures may be adopted with a view to prevent a repetition of similar proceedings.

In reply, the Undersigned has the honor to acquaint Mr. Molina that it is the wish and the determination of this government to maintain a strict neutrality in the conflict between Guatemala and Honduras. Instructions to this effect were given to Mr. Borland on his departure on his mission to Central America, and other instructions to a similar effect have been addressed to him occasioned by the note of Mr. Molina. The mere exportation of arms and munitions of war from the United States to a belligerent country has never, however, been considered as an offence against the Act of Congress of the 20th. of April, 1818. All belligerents enjoy this right equally, and a privilege which is open to all cannot justly be complained of by any one party to a war. Guatemala, however, has a right under the law of nations and under her treaty with the United States to seize contraband of war on its way to her enemy, and this government will not complain if she should exercise this right in the manner which the treaty prescribes.

The Undersigned avails himself of this occasion [etc.].

[1] See below, this volume, pt. II, doc. 1258. [2] Notes to Central America, vol. 1.

William L. Marcy, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [1]

WASHINGTON, *April 27, 1854.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to him on the 18th instant, by Mr. Marcoleta, Envoy Extraordinary and Minister Plenipotentiary of Nicaragua,[2] communicating, under instructions from his government, the fact, that, after repeated and earnest efforts on the part of Nicaragua to secure the reëstablishment of the Centro-American Confederation, which efforts had entirely failed, the Constituent Assembly had erected that part of Central America into a free, sovereign, and independent Republic, thereby confirming, in a legal manner a preexisting condition.

In communicating this, and other legislative enactments of the Constituent Assembly, having reference to the exercise of the Supreme Magistracy, Mr. Marcoleta adds that he has been especially directed to announce to the Government of the United States, that His Excellency, the President of Nicaragua will continue to cultivate the best understanding with the Executives of the neighboring Central American States, and that he will particularly study to draw into more close and cordial union the relations now subsisting between the Republic of Nicaragua and that of the United States.

While it would appear to be a subject of regret that the several States of the former Centro-American Confederacy have not succeeded in accomplishing a reünion upon a basis equally acceptable and advantageous to all, it cannot be doubted, that, failing in such a project, the course of Nicaragua in clearly and formally announcing her independence and sovereignty, was wise and judicious. Occupying this position, she will, in common with her sister Republics, continue to receive the consideration and sympathy which this government has hitherto extended to the Central American States.

The President receives with high gratification the assurance that the excellent President of the Nicaraguan Republic will strive to cherish the most friendly relations with all powers, and particularly with the United States. Mutually actuated by this sentiment, a policy alike frank and harmonious will be productive of the most beneficent results to both Republics.

The Undersigned avails himself of this occasion [etc.].

[1] Notes to Central America, vol. I. [2] See below, this volume, pt. II, doc. 1265.

William L. Marcy, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [1]

WASHINGTON, *August 2, 1854.*

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo,[2] in which referring to the recent destruction of San Juan de Nicaragua, by the United States ship "Cyane", you present, in general terms, a demand for reparation to those respectable citizens of Nicaragua who suffered, as it is alleged, grievous losses of property by the bombardment, and also, to the Government of Nicaragua for the total destruction of her only Atlantic port.

In reply, I beg to submit that it is scarcely credible, as your note seems to imply, that any considerable number of respectable citizens of the Republic of Nicaragua had taken up their residence or placed their property among those whom you properly characterize as "the pseudo sovereigns"—"the authors of all the scandalous excesses that have been consummated at that port"—San Juan—a place as you admit, held by usurpation against the sovereign authority of their own government. These citizens for whom you make reclamation, must have lived in treasonable association with the open and avowed enemies of your country, and if engaged there in business they must have been incorporated with that community which you describe in such severe but probably just terms. They knew, for notice has repeatedly been given, that the town would be punished for its misdeeds, and they had every opportunity to withdraw from it or to communicate to Captain Hollins after his arrival their claim to be separated from the guilty if they were not implicated with them, but they took no steps to have their lot distinguished from that of the abandoned and lawless dwellers at that place. It is unreasonable now to complain of Captain Hollins for not making the separation which they refused to make for themselves, or to furnish him with the means of making the discrimination. They deliberately united their fortunes with men who, you admit, deserved the chastisement which they received, and consequently involved themselves knowingly and necessarily with their criminal associates. All the circumstances considered, I cannot believe that the Nicaraguan government will so far forget what is due to itself, and must be evident to its clear sense of justice, as to urge any claims in behalf of those who associated themselves with the usurpers of its territory. Nicaragua may think herself kindly treated if she is not held responsible for the acts of those who were permitted by her to occupy her territory and perpetrate deeds injurious to friendly powers while within her jurisdiction. She owed it alike to herself and to these powers to have driven the band of marauders settled at San Juan from her acknowledged soil. If

matter, this Government will be at liberty to make her responsible for all the injuries its citizens have suffered from those occupying her Territory. Having neglected to expel these intruders, and regarding at least a part of the persons at San Juan under her protection, she is answerable by the well established principles of international law for the injuries other nations have suffered by their misconduct.

If Nicaragua chooses to maintain the position you assume in your note to me that her citizens who incorporated themselves with the community at San Juan are still in friendly relations with her and entitled to her protection, then she approves by an implication which she is not at liberty to deny of that political establishment planted on her own soil and becomes responsible for the mischiefs it has done to American citizens. It would be a strange inconsistency for Nicaragua to regard the organization at San Juan as a hostile establishment on her territory and at the same time claim the right to clothe with her nationality its members.

Assuming, as it is respectful to do, that you have duly appreciated the consequences of the step you have taken, I infer that the government of Nicaragua by claiming the right of protection over the persons at San Juan will not hesitate to acknowledge her responsibility to other States for the conduct of the people which she has permitted to occupy that part of her territory.

I take the liberty to ask you to furnish this Government with the views of that of Nicaragua upon the subject of its responsibility for the conduct of the people at San Juan de Nicaragua; and avail myself of this occasion [etc.].

1043

William L. Marcy, Secretary of State of the United States, to John L. Marling, United States Minister Resident in Guatemala [1]

[EXTRACTS]

No. 1 WASHINGTON, *October 4, 1854.*

SIR: You have received your commission as Minister Resident of the United States to the Republic of Guatemala. Herewith you will find other documents which will be necessary or useful in the discharge of the duties of your mission. . . .[2]

[1] Instructions, American States, vol. 15.

John L. Marling, of Tennessee, was commissioned as minister resident in Guatemala, on August 2, 1854. He left on May 8, 1856. He resigned October 2, 1856, and died on the 10th. of that month.

[2] The omitted portion contains a list of routine documents enclosed, and deals with other

to the faithful execution, by the authorities of that Republic, of the Treaty of Commerce between the two Governments which has recently gone into operation,—copies of which you will herewith receive.

One or two claims presented by citizens of the United States against Guatemala, will early receive the attention of the Department, and be transmitted to you with proper instructions.

It is proper to advise you that the Government of the United States regards the reëstablishment of a Central American Confederation, as eminently desirable, and conducive to the interests of the several States, and to their permanent and increased influence. You will accordingly express this opinion on all suitable occasions, although you will, of course, be careful not to obtrude the subject in such a manner as to afford ground for complaint, or to interfere with that perfectly cordial understanding which it will be your first duty to maintain in your official relations with the authorities of the State to which you are accredited.

I am, Sir, [etc.].

1044

William L. Marcy, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [1]

WASHINGTON, *October 20, 1854.*

The Undersigned, Secretary of State of the United States, has had the honor to receive the note of Mr. Molina, Minister of Costa Rica, of the 19th. instant,[2] relative to claims to be presented to the United States government for losses sustained by the citizens of Costa Rica, at Greytown, on the 13th. of July, last, by the bombardment of that place.

In reply, the Undersigned has the honor to state that the mere notice of an intention to present such claims, does not offer a proper occasion to discuss the questions which may arise on the consideration of their merits. Mr. Molina is not ignorant of the character and conduct of the persons who were congregated at Greytown, and consequently must be aware that they committed offences which merited the chastisement they received. Those residents who now pretend to be Costa Ricans for the purpose of securing the interposition of Costa Rica in their behalf, were, it is believed, a part of that community implicated in its offences, and cannot therefore claim an exemption from the punishment justly inflicted upon it. Those not residents of the place who chose to leave their property with a community who had openly violated the law of nations—protected thieves and participated

[1] Notes to Central America, vol. 1.

for claims of this class than is usual in similar cases; for timely notice was given by Captain Hollins of an intention to inflict a merited punishment upon those offenders if redress or satisfaction formally demanded should be refused, and an opportunity was afforded for the innocent to separate themselves from the guilty. Those who did not avail themselves of this opportunity, must be considered as not being entitled, in their own opinion, to be distinguished from the latter.

The precaution to exempt the innocent, if indeed such there were, from being involved in the punishment of the guilty, did not stop at giving such notice. The means of taking away their property was kindly furnished to them by Captain Hollins. Knowing that the wrongs committed by the lawless assemblage at Greytown merited chastisement and that it would be inflicted if some satisfaction was not offered—and perceiving that so far from offering satisfaction, the offenders did not even allege that the threatened punishment would be undeserved,—those among them, if there were any, who were entitled to claim exemption from the common lot are themselves to blame for not having availed themselves of the means afforded for that purpose.

The Undersigned does not believe that Costa Rica when she has enquired into the connection which those who claim her interposition had with the offending community of Greytown, will find any among them who have a fair claim to her protection.

Wishing to retain unimpaired the friendly relations which now so happily exist between the United States and that Republic, the Government of the Undersigned will give due consideration to any fair claim of any citizen of Costa Rica, which may be presented to its consideration. The high appreciation it has of the honor and justice of the government of Costa Rica, does not permit it to expect that any members of the Greytown community will be allowed to assume the character of Costa Ricans for the purpose of getting compensation for losses brought upon themselves by their own misdeeds or their voluntary association with a lawless band of marauders whose outrages provoked and merited the chastisement they received.

The Undersigned avails himself of this occasion [etc.].

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

[EXTRACTS]

No. 3 WASHINGTON, *October 23, 1854.*

SIR: On the 14th of February, last, a Treaty between the United States and the Republic of Nicaragua was signed at Managua in that Republic. This instrument was entitled "A general Treaty of Peace, Amity, Commerce, Navigation and Protection between the United States and Nicaragua." As it was not deemed probable that it would be approved by a constitutional majority of the Senate in the form in which it was concluded, nor did it in some respects meet the views of the President, conferences in regard to it were held with the representative of Nicaragua here, with a view to such modifications as might render it acceptable to this Government. You will herewith receive the original Treaty [2] as it was communicated to this Department, upon which the results of the conferences have been indicated.

[3] . . . The rejected paragraphs embrace or might be construed to embrace, among other things, a guaranty to Nicaragua of the territory claimed by her, which this government would not at present be disposed to undertake, even if such a proceeding were consonant with the cardinal policy of the United States. There are also a few verbal alterations desired which you will see noted as they occur. It would be preferable that the exchange of the ratifications of the Treaty should take place here.

If you should succeed in inducing the Nicaraguan negotiator to assent to these modifications you will take care that the new Treaty shall embody them, and that the Articles are properly numbered.

I am, Sir, respectfully [etc.].

1046

William L. Marcy, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [4]

WASHINGTON, *November 14, 1854.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, Envoy Extraordinary and Minister Plenipotentiary of Costa Rica, of the 4th. instant,[5] and of the

[1] Instructions, Amercian States, vol. 15.

John H. Wheeler, of North Carolina, was commissioned minister resident in Nicaragua on August 2, 1854. He left about November 5, 1856, and resigned on March 2, 1857.

[2] No copy of the treaty is with the file copy of this instruction. See below, this volume, pt. II, note 2, p. 385. [3] The omitted portion concerns proposed modifications of the treaty.

[4] Notes to Central America, vol. 1.

[5] See below, this volume, pt. II, doc. 1274. The enclosed letter will be found printed in a

of the Nicaragua Transit Company, of the 28th. ultimo.

Mr. Molina communicates to the Department the intention of that Company to dam the Colorado river at its junction with the San Juan,—a point, which, he maintains, is entirely within the territory and jurisdiction of Costa Rica, and the exclusive use of which river has been granted by that Government to another company; and in respect to this contemplated usurpation, as well as that which Mr. Molina alleges to have been already perpetrated by the Nica: Transit Company at Castillo Viego [Viejo?] and at Punta Arenas, he desires the interposition of the Government of the United States in order that it may cause the rights of Costa Rica to be respected by those who have trespassed upon her territory.

Mr. Molina is aware that the Nicaragua Transit Company derives all its privileges from that Republic, and that this government has no other connection with it than that which arises from the circumstance that citizens of the United States are proprietors of the stock and that the steamers of the Company are one of the principal means of intercourse between New York and San Francisco. The only interest which this Government entertains for that Company, is one which is equally shared by every enterprise in which the industry and property of its citizens are embarked, and the only protection which this Company can claim is that which would be as readily extended to the individual citizen in a case warranting, according to public law, the interference of this Government. And in this sense, Mr. Molina is not mistaken in supposing that the Costa Rican Transit Company will enjoy the same protection as has been extended by the United States to that of Nicaragua.

But Mr. Molina must be aware that the Executive government of the United States has no authority, even if it were proper to exercise it, to protect the territorial integrity of Costa Rica. That duty is incumbent alone upon the government whose rights may be infringed. The United States will not countenance or justify any such violation of the rights of friendly nations, nor will the Nicaragua Transit Company have just ground for complaint, if after due warning, it shall persist in its attempts to appropriate for its own purposes those rights which Costa Rica can legally claim and maintain.

The Undersigned is under obligations to Mr. Molina for the printed memoirs upon the boundary relations of Costa Rica and Nicaragua accompanying his note;[1] and avails himself [etc.].

[1] These enclosures were not found in the manuscript volume.

William L. Marcy, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [1]

WASHINGTON, *November 30, 1854.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Marcoleta, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, of the 22nd instant, referring to his former note of the 4th May, last,[2] in relation to the organization and objects of the "Central American Land and Mining Company." In reply, to Mr. Marcoleta's observations the undersigned has to state that the association referred to is not understood to be an expedition fitting out for any hostile object against any Government with which the United States are at peace—but is, what it professes to be an association for business purposes.

In this view of the case, it is not a proceeding in violation of the laws of the United States or of the duties of neutrality. When these citizens, having a peaceful pursuit in view, arrive in another country they will be subject to the laws of that country—and their conduct must be in conformity to those laws. This Government has no authority to prohibit or interpose to prevent them from going out and no control whatever over them after they have gone beyond its jurisdiction.

The Undersigned avails [etc.].

1048

William L. Marcy, Secretary of State of the United States, to Felipe Molina, Costa Rican Minister to the United States [3]

WASHINGTON, *December 19, 1854.*

The Undersigned, Secretary of State, has the honor to acknowledge the receipt of the note of Mr. Molina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Costa Rica, of the 13th. instant,[4] in relation to the expedition which, as Mr. Molina has learned from the newspapers of the day has been organized in the United States "for the purpose of colonizing certain lands in Central America under an alleged title granted by a Mosquito King." And in the name of his Government Mr. Molina protests against the validity of "any title or grant made by the Kings or Chiefs of the Mosquito Indians," and avows that the Government of Costa Rica "will not allow any colonist or party of colonists from whatever country they may proceed to occupy, locate, or take possession of lands belonging to

[1] Notes to Central America, vol. I.
[2] For these two notes, see below, this volume, pt. II, docs. 1268 and 1276.

Costa Rica for the purposes of agriculture, mining or any other, unless he or they shall have previously applied to the Government of Costa Rica, and duly obtained a permission and legal title to that effect."

In the absence of any information that the alleged company contemplate occupying any lands which are claimed or have ever been claimed by Costa Rica, the warning contained in Mr. Molina's note would seem to be premature. From the tenor of that note, however, the Undersigned does not infer that the Government of Costa Rica apprehends any hostile intention on the part of the organization in question, but that it simply declines to recognize the validity of any title which this Company may have obtained from other sources than from the Government itself.

In this view of the case, Mr. Molina will permit the Undersigned to observe that he does not perceive upon what grounds the Government of the United States can interfere with the proposed expedition, which appears to be a peaceful enterprise involving, possibly, agricultural, mining, and commercial speculations, but contemplating no measure which will render them amenable to the neutrality laws of the United States.

When the parties to this expedition shall have withdrawn from their allegiance to their own country and voluntarily placed themselves within the jurisdiction of another power, their conduct must be in conformity to the new relations they have assumed and they are responsible to the laws of the land in which they have sought domicile. The question of validity of title to lands, is then between them and other claimants, to be adjudged not by the Government of the United States but by the tribunals of the State within which the dispute shall arise.

Mr. Molina will understand from the foregoing remarks, that while this Government does not feel called upon to interfere with the projected peaceful expeditions of its citizens to other countries, it promptly disavows any intention of justifying those citizens who may contemplate a wilful violation of the rights and laws of a friendly nation.

As, however, the Government of the United States has no official information in respect to the movements of the Company alluded to, the Undersigned would suggest to Mr. Molina the propriety of communicating the views of his Government upon this subject to the authorized agents of the Company.

The Undersigned avails himself [etc.].

William L. Marcy, Secretary of State of the United States, to Felipe Molina, Guatemalan Minister to the United States [1]

WASHINGTON, *January 3, 1855.*

The Undersigned, Secretary of State of the United States of America, has the honor to acknowledge the receipt of the note of Mr. F. Molina, Minister Plenipotentiary of the Republic of Guatemala, of the 15th. ultimo,[2] containing the announcement to the Government of the United States, of the fact, that the people of Guatemala, had on the 21st of October, last, declared "that the Supreme Power of the Country is vested in the person of His Excellency, General Carrera, by a blessing of Divine Providence and by the will of the Nation, and should not be limited in time, but be perpetual".

The Government of the United States receives with great satisfaction the assurance that Mr. Molina's government regards this measure as affording a new pledge for the preservation of those friendly relations which His Excellency, General Carrera, has been anxious to cultivate with other Nations; and, in behalf of his Government, the Undersigned expresses the sincere hope, that the Republic of Guatemala may derive all the advantages which were anticipated in the consummation of this important proceeding.

The Undersigned avails himself of this opportunity [etc.].

1050

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [3]

No. 7 WASHINGTON, *May 11, 1855.*

SIR: I transmit copies of a verbal note handed to me some time since by Mr. Crampton,[4] embracing a proposition of his Government for adjusting the controversy respecting San Juan de Nicaragua, and of my answer to the same, bearing date the 9th instant.[5] These papers set forth the present views of the two Governments on the subject, and as it is advisable that the Nicaraguan Government should be apprized of them, you will in confidence make known the substance of these documents to the Minister for Foreign Affairs of that Republic, but will not place copies in his hands.

I am, Sir, respectfully [etc.].

[1] Notes to Central America, vol. I.
[2] Not included in this publication; its contents are suggested here.
[3] Instructions, American States, vol. 15.
[4] See below, vol. VII, pt. II, containing Communications from Great Britain, under date of April 25, 1855.

William L. Marcy, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [1]

WASHINGTON, *May 15, 1855.*

The Undersigned, Secretary of State of the United States, has had the honor to receive the note of Mr. Marcoleta, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, dated April (May) 9th.[2]

Mr. Marcoleta is aware that the government of the United States has used all the legitimate means it possesses to ascertain the true character of the expedition headed by Col: Kinney and others, and to cause it to be arrested, if it should have been set on foot in contravention of our neutrality laws. Both Col: Kinney and Mr. Fabens have been prosecuted for organizing an illegal enterprise against Nicaragua, and the United States prosecuting attorney has availed himself of all the proof which Mr. Marcoleta could indicate or which could be otherwise obtained for the purpose of showing that the accused are engaged in such an enterprise. The government and its officers have done their whole duty in this matter. Under an apprehension that their efforts may fail, Mr. Marcoleta, in the note addressed to the Undersigned, strenuously solicits this government to use "other measures and means of suppression", but he does not suggest what they should be.

Mr. Marcoleta's long residence in this country must have made him well acquainted with our political institutions and the powers of the executive branch of the government. If it is unable to prove a crime against its citizens, it cannot assume their guilt and treat them as offenders against its laws. Mr. Marcoleta must also be aware that legal proceedings alone can be resorted to for the purpose of arresting such unlawful expeditions. The question of whether any enterprise is illegal or not, must be decided by our courts. If testimony sufficient to convict those engaged in it cannot be obtained, the government cannot, without the violation of their rights, arrest their proceeding. Mr. Marcoleta has had an opportunity to become acquainted with the efforts which the government has made in this case, and the Undersigned is quite sure that he will be ready to acknowledge that through its officers it has acted with promptness and energy, and that it has used the means to the extent given to ascertain the true character of the enterprise referred to. If those at the head of it cannot be proved to be offenders against our laws, the government can resort to no other or further means of suppression. The Undersigned believes that if the expedition is of the character ascribed to it by Mr. Marcoleta, the proceeding now pending in the Court at New York will disclose that fact.

Nicaraguan Minister to the United States [1]

WASHINGTON, *June 4, 1855.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Marcoleta, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, of the 1st instant,[2] stating that arrangements have recently been made for chartering a vessel called the Grape Shot for the purpose of carrying members of the expedition of Colonel H. L. Kinney to Nicaragua, and that vessels had also been engaged at other ports than New York for the purpose of being employed in the same illegal expedition.

In reply, the Undersigned has the honor to acquaint Mr. Marcoleta, that, though the first order of the President to the Commander of the Navy Yard at Brooklyn, was limited to preventing the departure of the steamer United States, another order has since been issued, extending the authority of that officer to arrest the departure of any other vessels which may be employed for a similar purpose by Colonel Kinney or his associates.

As it is at least questionable, however, whether the President has a right to seize any such vessel or arrest any individuals who may have embarked in her, when beyond the jurisdiction of the United States, it is not deemed advisable to order a vessel of war to San Juan del Norte for the special purpose adverted to in Mr. Marcoleta's note.

The Undersigned avails himself [etc.].

1053

William L. Marcy, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [3]

WASHINGTON, *June 5, 1855.*

The Undersigned has the honor to acknowledge the receipt of Mr. Marcoleta's note of the 2d instant,[4] in which he states that he had been informed of the departure from San Francisco for the Republic of Nicaragua of the so-called Colonel Walker in company with several armed persons. Mr. Marcoleta does not mention the source from which he obtained this information, but if it was communicated to him through the newspapers, it had already reached the Undersigned through the same channel, but was not deemed indicative of another conspiracy against Nicaragua, inasmuch as the

[1] Notes to Central America, vol. I.

[2] See below, this volume, pt. II, doc. 1299.

[3] Notes to Central America, vol. I.

[4] See below, this volume, pt. II, doc. 1301.

that they were on their way to Nicaragua for the purpose of entering into the military service of the government of that Republic. This is a proceeding which is not forbidden by the laws of the United States, and, it is presumed, is not one of which Mr. Marcoleta meant to complain. Inasmuch, however, as he seems to suppose that the United States officers at San Francisco were negligent in allowing Colonel Walker to depart, the Attorney of the United States at that place will be instructed to report to this Department upon the subject.

The Undersigned avails himself of this occasion [etc.].

1054

William L. Marcy, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [1]

WASHINGTON, *August 22, 1855.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the Note of Mr. Marcoleta, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, of the 11th instant,[2] containing the request that the Government of the United States would send a vessel of War to the harbor of San Juan de Nicaragua to repress "the anarchical plans" of persons whom he designates as "pirates", "to prevent the meeting of suspicious persons in that locality and oppose every disembarcation of arms, amunition and other articles, to which reasonable suspicions can attach."

Mr. Marcoleta, it is presumed, will readily accord to the Government of the United States the merit of having exerted with energy, its power to arrest any hostile expedition organized for the purpose of invading the territories of the State of Nicaragua, or disturbing its internal tranquility. Mr. Marcoleta is also fully aware that unassociated individuals have a right to leave the United States, and go whither they please, and that this Government has no right to enquire into the motive for such a removal. They can be dealt with only as members of an expedition fitted out within our limits, against a friendly State and while they are within our jurisdiction. If such an expedition escapes the vigilance of our officers and arrives within the territories of a foreign State, they cannot be pursued and seized while within such territories by the authorities of the United States. Our laws cannot operate, or be enforced beyond our limits.

If a vessel of War belonging to the United States were in the harbor of

San Juan, it could exercise no legal authority over persons assembled at that place with hostile purposes against the State of Nicaragua,—it could not, without assuming illegal power and involving the sovereign rights of that State, interpose to prevent the disembarcation of arms, ammunition, or other articles to which reasonable suspicions were attached.

The undersigned believes that, on reflection, Mr. Marcoleta will perceive that a compliance with his request would be an open invasion of the sovereign rights of Nicaragua,—and lead to acts towards individuals by the United States which could not be justified by any municipal, or international law.

The undersigned need not assure Mr. Marcoleta of the friendly sentiments of this Government towards the State of Nicaragua, or of its readiness to respond to any appeal made to it for the maintenance of its neutral relations with that State, unless that appeal contemplates, as in the present instance, the performance of unwarrantable and aggressive acts.

The undersigned avails himself of this occasion [etc.].

1055

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

No. 11 WASHINGTON, *September 1, 1855.*

SIR: I have just been informed that about the middle of July, last, a body of men to the number of 60 or thereabouts with six officers dressed in the uniform of United States soldiers was landed at San Juan del Norte, from on board a steamer belonging to the Accessory Transit Company from New York. You are instructed to furnish the Department with all the information you can acquire on the subject. Your enquiries will be directed to the following points.

1. The number of men and officers in that body.
2. From what place and in what vessel did they come to San Juan?
3. What was their object in visiting San Juan, and why did they assume the organization of a military company and the uniform of a United States soldier?
4. Where are they now and what are they doing? If in military service, what service is it?
5. Did they leave the United States under any agreement to serve in Nicaragua as soldiers? With whom was such agreement made?

ment a large claim for the powder destroyed at Punta Arenas by Captain Hollins at the time of the bombardment of Greytown. Information has since been received that Mr. Deforest had in fact no interest in the powder at the time it was destroyed. You are requested to furnish any evidence you can get in relation to the true owners of it as well as to its actual value at the time of its destruction.

I am, Sir, respectfully [etc.].

1056

William L. Marcy, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [1]

WASHINGTON, *September 3, 1855.*

The Undersigned, Secretary of State of the United States, has received information that a company of about 60 men with 6 officers, dressed in the uniform of United States soldiers, were landed at San Juan del Norte about the middle of last July, from on board of one of the Steamers belonging to the Accessory Transit Company, direct from the United States. Should the information prove to be correct, and it comes in a creditable shape, it is feared that another case of the violation of the neutrality laws of the United States will be presented for the consideration of this Government. Mr. Marcoleta is aware that if these men were sent out as friends of the State of Nicaragua under an engagement to serve it as soldiers, those Laws are as much violated by the proceedings as they would have been if the Company had gone out to wage hostility against that State.

Mr. Marcoleta has been so vigilant in watching the movements of what has been called the Kinney expedition that, as the Undersigned believes, the expedition above referred to could not have escaped his attention, and he hopes Mr. Marcoleta will furnish such information to this Government as will enable it to convict all those who have taken a part in setting on foot this enterprise.

The Undersigned will be greatly obliged for any information that Mr. Marcoleta may be pleased to grant on the subject; and avails himself [etc.].

1057

William L. Marcy, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [2]

WASHINGTON, *October 10, 1855.*

SIR: I have to acknowledge the receipt of your note of the 8th. instant.[3]

followers stand in regard to the United States. You are well advised that this government has done all it could properly do to arrest his enterprise against Nicaragua. He did not go directly from the United States to San Juan de Nicaragua, but from Turks Island. He and those who have associated and gone with him appear to have renounced their allegiance to the United States, and become members of another government—it may perhaps be called a government of their own erection, for such it appears they intend it to be. In carrying out this plan they, as a matter of course, renounced their allegiance to the United States, and are no longer to be regarded as citizens thereof. The moment they become subjects or citizens of another sovereignty they cease to be [a?] component part of that of the United States, and this government has really no more right to interfere with them or their designs, while in that condition, than it would have to interfere with persons similarly situated who had never been within its jurisdiction.

If they have violated the laws or invaded the domain of Nicaragua, she must punish them,—but the United States cannot do so, for those acts do not constitute an offence against our laws or Constitution.

It is true that if they violated our laws before they left the United States, then they can be punished here; but the conduct to which you refer is an offence against Nicaragua, for which the United States can in no way call them to an account.

If Kinney and his associates have done what you impute to them, you are entirely mistaken in regarding them as "American citizens". This government has no sort of responsibility for their acts, and I do not apprehend that their proceedings, be they what they may, can, in the judgment of enlightened men, injure the fair fame of this Country. Their conduct, as you know quite as well as any person whatsoever, has had no sort of countenance or sanction from this government; furthermore, you are aware that it has done its whole duty as a friendly power to Nicaragua in regard to this movement of Kinney and his followers.

I presume, from the tenor of your protest, that the rumour which has reached the United States that the Nicaraguan government is about to receive these usurpers and adventurers, as you call them, into favor, is known to you to be unfounded.

I avail myself of this occasion [etc.].

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

No. 13 WASHINGTON, *November 8, 1855.*

SIR: I have received and laid before the President your despatches numbered 25 and 26, together with their enclosures.[2] The miserable condition of Nicaragua is much regretted, and devolves upon this government perplexing duties. While adhering to our settled policy of leaving to every nation the management of its own internal affairs, we have important duties to perform in regard to our citizens who may be resident within or passing through its territories. The recent murders and outrages committed upon them, in the State of Nicaragua, must be atoned for by the authorities of that country. The perpetrators of these crimes must be punished, the sufferers indemnified, and the families of the murdered be provided for. Whenever that country has a responsible government, a due measure of satisfaction will be demanded. In the present condition of affairs there it is difficult to decide who has the responsible government on which the demand for satisfaction can be made.

It appears that a band of foreign adventurers has invaded that unhappy country, which, after gaining recruits from among the residents, has by violence overturned the previously existing government, and now pretends to be in possession of sovereign authority. The knowledge we have of their proceedings does not authorize the President to recognize it as the *de facto* Government of Nicaragua, and he cannot hold, or permit you to hold in your official character, any political intercourse with the persons now claiming to exercise the sovereign authority of that State. It appears to be no more than a violent usurpation of power, brought about by an irregular self organized military force, as yet unsanctioned by the will or acquiescence of the people of Nicaragua. It has more the appearance of a successful marauding expedition than a change of government or rulers.

Should the mass of the people of Nicaragua be unwilling or unable to repel this inroad or shake off this usurpation, and ultimately submit to its rule, then it may become *de facto* a government and responsible for the outrages which have been committed upon the rights and persons of American citizens. Then this government will demand and exact ample indemnity and satisfaction from it.

The President instructs you to abstain from any official intercourse with the persons now exercising a temporary control over some parts of Nicaragua. In such a dubious state of affairs, you cannot be expected to act in your official character until you receive instructions from your

be entitled to all the immunities of a Minister if you do no act to forfeit them. You will remain in the country and keep your government well advised of the actual condition of affairs therein.

You will observe great circumspection in your conduct. You cannot retain a right to the privileges of a Minister if you intermeddle in the concerns of any of the parties. The difficulties you have already encountered arose, as it appears, from an apprehenison that you had improperly interfered in the conflict between the contending parties. Though the President has no doubt that you acted from the purest motives, intending only to subserve the cause of humanity, yet your course was aside from that which your duty as the representative of a foreign government imposed upon you. It has exposed you to the charge by one party of interfering in the concerns of the other, and on this ground an attempt will be made to justify the restraint put upon you. In regard to this matter the President will hereafter take such a course as is dictated by a regard to your rights as a public functionary of this government.

Orders have been issued for some of our public ships to visit the Atlantic and Pacific coasts of Nicaragua. They will have instructions to look to and protect the persons and property of our citizens—but there should be no misapprehensions as to the extent to which they have a right to interfere. The commanders of such ships have no right, except in very extraordinary cases, to send forces to operate on land, and in no case could they be permitted to take any part in the conflicts of the contending parties—within the limits of the country. They can and should protect our merchant vessels from illegal seizure and pillage, and afford an asylum to our citizens who wish to escape from scenes of violence and bloodshed and secure a depository for their property.

Should the officers of the national armed ships sent to the coasts of Nicaragua confer with you as to acts proper for them to do in any emergency you will be careful in the advice you may give them. Acts of war cannot be committed without the authority of Congress. Repelling threatened outrage upon our citizens, or shielding their property from unjust seizure, or protecting their persons, are not acts of war. They are exertions of power not inconsistent with the relations of peace.

I am, Sir, respectfully [etc.].

1059

William L. Marcy, Secretary of State of the United States, to Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the United States [1]

WASHINGTON, *December 6, 1855.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Irisarri, Minister Plenipotentiary of the Republics of Guatemala and Salvador, of the 30th ultimo [2], in which he states that these Republics, the other Central American States, and those contiguous thereto, will be under the necessity of opposing what Mr. Irisarri calls an authority wrested in Nicaragua from the legitimate Government of that State, by a party of adventurers from this country. Mr. Irisarri also animadverts upon the supposed neglect of the authorities of California to prevent the departure of the adventurers referred to, and upon the recognition by the United States' Minister in Nicaragua, of the Government created, as Mr. Irisarri says, by those intrusive regulators of the Nation.

In reply, the Undersigned has the honor to acquaint Mr. Irisarri, that it is apprehended he is mistaken in supposing that the individuals who recently left California for the purpose of entering into military service in Nicaragua, departed with the knowledge of the authorities of California as to their hostile purposes, or with the connivance of those authorities. On the contrary, the Undersigned is assured that when there was reason to believe that such purposes were entertained by parties embarking in the Steamers at San Francisco, for San Juan del Sur, every exertion was made, and in many instances with success, to prevent their departure. The fact that these well-meant endeavors in some instances failed, should, as the Undersigned conceives, be imputed, not to neglect or bad faith on the part of the proper authorities, or to the insufficiency of the law, but to circumstances which could not be controlled. Mr. Irisarri is aware that many, if not most of the passengers in the Steamers which depart from San Francisco for San Juan del Sur, are miners returning to their original homes in the Atlantic States. It is probable that the persons of whom Mr. Irisarri complains, belonged to this class. It is not certain, however, that in every instance they left San Francisco with an illegal design, and even if they did, it is not likely that they could be so far distinguished from persons of a similar class, embarking in the

[1] Notes to Central America, vol. 1.

Antonio José de Irisarri, writer of this note, presented his credentials, on September 4, 1855, as minister plenipotentiary of Guatemala and Salvador. On October 16, 1856, he

same steamers, who were quite innocent of any such design, as to warrant judicial proceedings against them.

The Undersigned has the honor to assure Mr. Irisarri that, in recognizing the new Government in Nicaragua, the Minister of the United States in that Country did not act pursuant to the instructions of this Department. On the contrary, express instructions have been given to him to abstain from doing so; though these had not reached him when he acted in that matter. Although the prevalence of civil war in that Republic and in other Spanish American States, is deeply to be deplored, and all friends of humanity would greatly prefer that changes there if expedient, in the forms of government and in the persons to be entrusted with their administration, should be wrought by peaceful means, the United States do not feel called on to interpose against the employment of others for that purpose, provided the law of nations, including the laws of war, so far as their rights, and those of their citizens may be affected, shall be duly observed by the contending parties.

The Undersigned avails himself of this occasion [etc.].

1060

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

No. 16 WASHINGTON, *December 7, 1855.*

SIR: In my despatch of the 8th. ultimo—(N° 13)—[2] you were instructed to abstain from all official intercourse with the persons now exercising control over some parts of the State of Nicaragua. By your despatch N° 29,[3] it appears that before my communication was received, you had resumed diplomatic functions as Minister of the United States. The despatch in which that fact is announced (N° 28) [4] has not reached this Department, and the Government has not therefore your reasons for such an unexpected course.

The information we have here relative to the state of affairs in Nicaragua leads to the conclusion that such a course was unadvisable. It is strongly objectionable because it may be construed to imply in some degree an approval by the United States of the proceedings of those—mostly foreigners—who have, by violence, overturned the former Government of that State and assumed control over it. A very different view is taken here of the political

judicial proceedings against them.

The Undersigned has the honor to assure Mr. Irisarri that, in recognizing the new Government in Nicaragua, the Minister of the United States in that Country did not act pursuant to the instructions of this Department. On the contrary, express instructions have been given to him to abstain from doing so; though these had not reached him when he acted in that matter. Although the prevalence of civil war in that Republic and in other Spanish American States, is deeply to be deplored, and all friends of humanity would greatly prefer that changes there if expedient, in the forms of government and in the persons to be entrusted with their administration, should be wrought by peaceful means, the United States do not feel called on to interpose against the employment of others for that purpose, provided the law of nations, including the laws of war, so far as their rights, and those of their citizens may be affected, shall be duly observed by the contending parties.

The Undersigned avails himself of this occasion [etc.].

1060

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

No. 16 WASHINGTON, *December 7, 1855.*

SIR: In my despatch of the 8th. ultimo—(N° 13)—[2] you were instructed to abstain from all official intercourse with the persons now exercising control over some parts of the State of Nicaragua. By your despatch N° 29,[3] it appears that before my communication was received, you had resumed diplomatic functions as Minister of the United States. The despatch in which that fact is announced (N° 28) [4] has not reached this Department, and the Government has not therefore your reasons for such an unexpected course.

The information we have here relative to the state of affairs in Nicaragua leads to the conclusion that such a course was unadvisable. It is strongly objectionable because it may be construed to imply in some degree an approval by the United States of the proceedings of those—mostly foreigners—who have, by violence, overturned the former Government of that State and assumed control over it. A very different view is taken here of the political condition of things in Nicaragua.

Considering the means by which the power that now predominates in that State was obtained, and the manner in which it is exercised, it can have no just pretension to be regarded as even a *de facto* Government. You will

cation with the present assumed rulers of that country.

Until you are instructed to establish diplomatic intercourse with those who exercise political power in Nicaragua, you will strictly observe the course of conduct enjoined in my despatch to you of the 8th. ultimo.[1]

You will please transmit a duplicate of your Nº 28 to the Department.

I am [etc.].

1061

William L. Marcy, Secretary of State of the United States, to José de Marcoleta, Nicaraguan Minister to the United States [2]

WASHINGTON, *December 10, 1855.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Marcoleta, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, of the 8th. instant.[3]

In reply, the Undersigned has the honor to acquaint Mr. Marcoleta, that as he was received in his official character in accordance with the usage of nations pursuant to a letter from the Executive head of the Government of Nicaragua to the President of the United States, his functions can only be terminated by that Government in the same manner.

In regard to the recognition of the new government of Nicaragua by the United States Minister in that country, the Undersigned has the honor to acquaint Mr. Marcoleta that that proceeding was not only unauthorized but was contrary to the instructions of this Department.

The Undersigned avails himself [etc.].

1062

William L. Marcy, Secretary of State of the United States, to Luis Molina, Costa Rican Chargé d'Affaires at Washington [4]

WASHINGTON, *December 10, 1855.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, Chargé d'Affaires of

[1] See above, this part, doc. 1058.
[2] Notes to Central America, vol. 1.
[3] See below, this volume, pt. II, doc. 1321.
[4] Notes to Central America, vol. 1.
Luis Molina presented his credentials as chargé d'affaires of Costa Rica, on June 14, 1855. He, as also did Napoleon Escalante, [illegible]

the Republic of Costa Rica, of the 6th. instant,[1] inviting the attention of the Undersigned to current events in Nicaragua.

The motives which Mr. Molina assigns for this proceeding are natural and are appreciated by the Undersigned. It is apprehended, however, that he is mistaken in ascribing, as he apparently does, the recent revolution in Nicaragua solely to the armed intervention of citizens of the United States. The Undersigned is informed that such of those citizens as took part in the contest which led to that result, were invited by citizens of that Republic as auxiliaries. If, in accepting this invitation, they should have violated their duties as prescribed by the laws of the United States, they will be called to account on returning within the jurisdiction of those laws.

The government of the Undersigned regrets that persons who may owe it either temporary or permanent allegiance should proceed from the United States to any foreign country for hostile purposes and acknowledges its obligation to prevent this misdemeanor by all proper means. The laws of the United States by which this policy and obligation are declared and acknowledged, are believed to be ample for their purpose. Circumstances, however, imputable neither to the inadequacy of those laws nor to the want of good faith in the persons charged with their administration may occasionally enable offenders to escape detection. In the case under consideration Mr. Molina will acknowledge the force of such circumstances. The United States citizens who have taken part in the recent commotions in Nicaragua, were most if not all of them passengers in the steamers between San Francisco and San Juan del Sur. On embarking, they were to all appearances peaceful citizens returning to their original homes in the Atlantic States. There was nothing connected with their embarkation which would justify their arrest, for this, as Mr. Molina is aware, under the Constitution of the United States could only be done with the existence of probable cause supported by the oath or affirmation of a credible witness. It is understood however that many persons against whom reasonable suspicion existed were in point of fact prevented from proceeding from San Francisco to San Juan del Sur.

In regard to the recognition of the new government of Nicaragua by the United States Minister in that Republic, the Undersigned has the honor to acquaint Mr. Molina that that proceeding was not authorized by but was contrary to the instructions of this Department.

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and minister plenipotentiary. Molina wrote his first note to the Secretary of State as chargé d'affaires of Nicaragua, on August 30, 1859. He presented credentials as envoy extraordi-

The Undersigned is aware that the independence of States which may be comparatively weak in physical power is as dear to them as that of the strongest. It is the desire, the determination, and, the Undersigned will add, the interest of the United States to respect that independence. If they were to disregard it by any culpable act or omission, they would forfeit the respect of other civilized States and would also lose that moral strength which, with the amplest physical resources is indispensable for national respectability and even independence.

The Undersigned [etc.].

1063

William L. Marcy, Secretary of State of the United States, to Parker H. French, designated Nicaraguan Minister to the United States [1]

WASHINGTON, *December 21, 1855.*

SIR: Your letter to me of the 19th. instant [2] with the enclosed copy of "an autograph letter from the President of Nicaragua to the President of the United States of America" has been received, and laid before the President. I am directed by him to reply to your communication, that he has not yet seen reasons for establishing diplomatic intercourse with the persons who now claim to exercise the political power in the State of Nicaragua.

Those who were chiefly instrumental in suspending or overthrowing the former government of that State were not citizens belonging to it, nor have those citizens, or any considerable part of them, so far as is known here, freely expressed their approval of or acquiesced in the present condition of the political affairs of Nicaragua. Until such shall appear to be the case, the President does not deem it proper to receive you or any one as a Minister to this government duly appointed by the Supreme Government of Nicaragua.

I am, Sir, Your obedient servant.

1064

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [3]

No. 18 WASHINGTON, *January 8, 1856.*

SIR: It is very important that this Government should have the most

While some of them represent that the present political organization is satisfactory to the people of that State—others represent that it has no foundation in the hearts of the people, who would very generally shake off the power of Walker if it were possible for them to do so, and that terror is its sole foundation. Your situation is favorable to the acquisition of a correct knowledge of the internal affairs of that country.

Your dispatches, of which Nº 31 [1] is the last received,—have not gone into so much detail as is desired.

It is reported here, not however on very reliable authority, that Estrada is exercising the authority of President in some parts of the State of Nicaragua, and that the other Central American States are confederating against the government of which Rivas is the nominal but Walker the real head. I hope to hear from you soon and to be furnished with the full account of affairs in Nicaragua.

I am, Sir, Your obedient servant.

1065

William L. Marcy, Secretary of State of the United States, to Parker H. French, designated Nicaraguan Minister to the United States [2]

WASHINGTON, *February 7, 1856.*

SIR: I have received your letter of the 5th. instant,[3] with a copy of your letter of credence, and laid them before the President. I am directed by him to reply to your request to be received as a Minister Plenipotentiary to this Government from the Republic of Nicaragua that he has again taken the subject into deliberate consideration, but has not seen sufficient reasons for changing the determination made known to you in my letter of the 21st of December, last.[4]

I am, Sir, Your most obedient servant.

1066

William L. Marcy, Secretary of State of the United States, to Luis Molina, Costa Rican Chargé d'Affaires at Washington [5]

WASHINGTON, *April 25, 1856.*

The Undersigned, Secretary of State of the United States, has the honor

views and declaring the policy of his government with reference to the existing state of affairs in Nicaragua, and reflecting upon what he pleases to call the lawless conduct of citizens and inhabitants of the United States.

If the Undersigned has not misunderstood the purport of Mr. Molina's note, it reflects upon the good faith of the United States in regard to their neutral relations, not only with Costa Rica but the other Central American States. Mr. Molina must be aware that so grave a charge as this, affecting so directly the honor of the United States, should not have been lightly made, or presented without adequate proof to sustain it. That persons, formerly citizens or inhabitants of the United States, are now found among the enemies of Costa Rica, or any other of the Central American States, does not at all sustain such a charge. The right of expatriation is not I believe withheld from the citizens of any free government or from residents under its jurisdiction. This country has always been open to the ingress of foreigners, and those who have been free to come, have also been free to go, and in respect to emigration our own citizens are under no more restraint than foreigners who have come into the United States. The Undersigned is not aware that the citizens or inhabitants of Costa Rica have not the same right of expatriation as those of the United States. The laws of neither country, it is presumed, have conferred the authority to examine into the motives which may lead any one to exercise the right of expatriation. The liberty to go where hopes of better fortune may entice them, belongs to freemen, and no free government withholds it. It is therefore no cause of complaint against a neutral country that persons in the exercise of this right have left it and have been afterwards found in the ranks of the army of a belligerent State; and yet it is believed that Mr. Molina has no better foundation than this for questioning the good faith of the United States.

The United States gave an early example to other nations in regard to its neutral duties by enacting stringent neutrality laws—they certainly preceded Great Britain in legislating upon the subject. These laws have laid upon the citizens or residents of the United States such restraints as neutral obligations towards other States require, or are compatible with the spirit of free institutions. They prohibit enlistments for foreign service within the limits of the United States, or any agreement to go beyond those limits, for the purpose of such enlistments—they denounce, under heavy penalties, the fitting out of privateers, or the organizing [of?] any expeditions against foreign States or their territories. Mr. Molina will find it difficult to show an instance in which any other country, including his own, has done more by legislation than the United States, to preserve with fidelity neutral relations with other powers. The execution of these laws is all that can be required of this government in maintaining its foreign relations.

connivance on the part of this Government at the violation of these laws. Being resident within the country, it is to be presumed that he is not uninformed of the efforts which this government has been constantly and vigorously making towards discharging its obligations of neutrality, not only in respect to the belligerents of Europe, but the States upon this Continent. Ministerial and executive officers have received repeated instructions to prevent the fitting out and to arrest expeditions organized within the United States for foreign military service;—numerous prosecutions have been instituted against alleged offenders, and convictions have been obtained in several instances. Whenever complaints have been made by the Ministers of foreign governments with any indication of the persons of the offenders or specification of acts infringing our neutrality laws, prompt and vigorous proceedings have been instituted. No just cause for complaint has been shown against the officers of the United States for remissness in discharging their duties. The action of this Government in this matter has been well known, and it is strange indeed that it has escaped Mr. Molina's particular attention, but that it has not attracted his notice is evidenced by the tenor of his note of the 8th. instant.[1] While Mr. Molina was preparing his note addressed to the Undersigned, and even now, prosecutions are going on against persons suspected of violating or evading the neutrality laws of the United States, by recruiting men for military service in Nicaragua.

So far from being aware, as Mr. Molina assumes the Undersigned to be, that "filibuster recruits" have been permitted to sail from certain specified ports in the United States to Nicaragua "*without any hindrance on the part of the authorities*" of the United States, the Undersigned has good grounds for believing that these authorities have been vigilant to prevent the infringement of the United States laws of neutrality—and have visited vessels bound to Nicaragua for the express and determined purpose of detecting violators of those laws. With better information on the subject it is believed that Mr. Molina instead of reproaching this Government for remissness in enforcing its laws would have done justice to its fair intentions and vigorous efforts to execute them.

It cannot be supposed that Mr. Molina means to make it a ground of complaint that unassociated individuals have voluntarily left the United States with intention of entering into foreign military service. Such acts are not contrary to international law. Being the representative of a free State, Mr. Molina must be aware that it is not within the competence of any liberal government to hold an inquisition into the motives and objects which induce an individual to change his country. To do that, would be the exercise of most offensive arbitrary power—which no government, however absolute its character, has ever attempted to enforce upon another as a

in regard to enlistments in the United States for the British service, the right of individuals to go voluntarily out of the United States for the purpose of entering into that service has not been questioned, but the complaint against the British Government, is that it has employed agents to come within the United States to hire, retain, or entice, persons to go away for that purpose.

When there was reason to believe that agents from Nicaragua were in this country to recruit soldiers, prosecutions against them were promptly instituted, which are still going on. This government has instituted judicial proceedings against those agents for doing what Great Britain contends her agents had a right to do within the United States.

If Mr. Molina means to complain of the insufficiency of our laws in regard to neutrality the reply to such a charge is that these laws are as stringent as those of any other nation. If he intends to go further and to imply the want of good faith on the part of this government in executing them, the charge is repelled as unfounded. It is difficult to conceive what other object Mr. Molina could have had in addressing to the Undersigned the note of the 8th. instant,[1] if it was not to enter a formal complaint against the adequacy of our laws of neutrality or our want of good faith in executing them. The President believes that Mr. Molina will consider it due to the friendly relations now existing between the United States and Costa Rica so to explain his note as to repel either inference.

The President sincerely regrets the state of hostility which now exists in Central America. He has faithfully discharged the obligations of neutrality due from this Government, not only to the friendly State of Costa Rica, but the other Central American governments. Cherishing sentiments of friendship for Costa Rica, and being convinced he had sedulously maintained the duties of strict neutrality towards that State, the President cannot withhold an expression of the surprise which the receipt of such a note as that of the 8th. instant from its accredited diplomatic agent has excited in his mind.

The Undersigned avails himself of this occasion [etc.].

1067

William L. Marcy, Secretary of State of the United States, to Luis Molina, Costa Rican Chargé d'Affaires at Washington [2]

WASHINGTON, *May 2, 1856.*

The President has directed the Undersigned, Secretary of State of the United States, to communicate to Mr. Molina, Chargé d'Affaires of Costa

Rica, the accompanying copies of documents just received from the Minister Resident of the United States in Nicaragua.[1] These documents present a case of shocking barbarity—the slaughter of non-combatants by the troops of Costa Rica. If the transaction was as it is presented in these documents, the President is willing to believe that the government of Costa Rica will promptly condemn the perpetrators of the inhuman outrage and inflict upon them exemplary punishment. This she will feel bound to do in order to vindicate her claim to a position among civilized nations.

It appears by the statement herewith furnished, that the victims were citizens of the United States, and the President does not doubt that the government of Costa Rica will promptly examine into this affair, punish the offenders and make ample provision for the families of the sufferers.

The President has seen with extreme regret in the hostilities now prosecuted between Nicaragua and Costa Rica, a departure from the laws of war in force among civilized nations. The slaughter of captives taken in battle is not only a violation of these laws, but abhorent to the feelings of humanity. The party which resorts to the barbarous modes of warfare long since abandoned and condemned by enlightened nations, forfeits its claim to all sympathy from neutral powers, and exposes itself to the enmity of those whose subjects and citizens may be the victims of savage cruelty. Against such a mode of prosecuting hostilities, from which it is the interest of all belligerents to abstain, it is the duty of all governments to enter their solemn protest.

The Undersigned is directed by the President to call the prompt attention of the Government of Costa Rica to the transaction at Virgin Bay, and to ask for such proceedings on its part as the nature of the case demands.

The good understanding which now exists between the United States and Costa Rica and which the President is desirous to cherish and perpetuate, induces him to expect from the government of Costa Rica such measures in regard to this lamentable occurrence as will be satisfactory to the United States, and are due to its own character.

The Undersigned [etc.].

1068

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [2]

as Envoy Extraordinary and Minister Plenipotentiary from Nicaragua to reside near this government.

The President directs you to notify the President of the Republic of Nicaragua that you are instructed to establish diplomatic relations with that State, and thereupon you will enter upon the duties pertaining to the diplomatic representative from the United States to the government of Nicaragua.

The interest of the United States as well as that of many individuals has been injuriously affected by the interruption of the transit through Nicaragua across the Isthmus. It is alleged that the proceedings by which this result was brought about, are in disregard of the rights granted by Nicaragua to the Accessory Transit Company, in which the Citizens of the United States had made large investments. This government has been called on by its citizens who have been injured by these proceedings to make reclamations for the losses they have sustained. You are directed by the President to ascertain the facts and circumstances of this transaction and to report thereon to your government.

Your despatches to Nº 52,[1] inclusive, have been received.

I am, Sir, Your obedient servant.

1069

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua

No. 29 WASHINGTON, *August 29, 1856.*

[Relative to Maritime Law. Same as No. 24 to James A. Peden, U. S. Minister in Buenos Aires.][2]

1070

William L. Marcy, Secretary of State of the United States, to Appleton Oaksmith, designated Nicaraguan Minister to the United States [3]

WASHINGTON, *September 13, 1856.*

SIR: In view of the present condition of political affairs in Nicaragua the President has come to the conclusion not to receive you as a diplomatic representative from that State to the government of the United States

1071

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

No. 31 WASHINGTON, *September 18, 1856.*

SIR: Your despatches to Nº 65 inclusive have been received.

You are directed by the President, on the receipt of this communication to repair at once to San Juan de Nicaragua (Greytown) and there remain until otherwise instructed. Should you, however, prefer to return to the United States you have full liberty to do so.

As the President may deem it expedient to send some other person in your stead, you will, in case you should return to the United States arrange your private affairs to meet such a contingency.

Mr. Cotrell, the United States Commercial Agent at San Juan, will be instructed to take charge of the Archives of the Legation in your absence, to whom, should you leave that place, you will deliver them.

The President has come to the conclusion not to receive Mr. Appleton Oaksmith as diplomatic representative of the State of Nicaragua near this government, and that determination has been communicated to him.

I am, Sir, your obedient servant.

1072

William L. Marcy, Secretary of State of the United States, to Appleton Oaksmith, designated Nicaraguan Minister to the United States [2]

WASHINGTON, *September 23, 1856.*

SIR: I have received your letter dated the 18th. instant.[3] If under any circumstances the President should deem it proper to explain his reasons for not receiving a Minister, the explanation would only be due to the Government which had asked to have him received.

I am, Sir, Your obedient servant.

1073

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [4]

1074

William L. Marcy, Secretary of State of the United States, to Antonio José de Irisarri, designated Nicaraguan Minister to the United States [1]

WASHINGTON, *October 20, 1856.*

SIR: I have the honor to acknowledge the receipt of your note of the 16th. instant,[2] stating that it is accompanied by a communication from the Minister for Foreign Relations of the Republic of Nicaragua, apprizing me of your appointment as Envoy Extraordinary and Minister Plenipotentiary of the Republic in the place of Don Augustin Vigil. In reply, I have the honor to acquaint you, that the accompaniment to your note is of a different character, being a letter to me from the same functionary upon the subject of Mr. Walker's alleged election as President of Nicaragua.[3] It is presumed that this was accidentally substituted for the letter referred to in your note.

I avail myself of this occasion [etc.].

1075

William L. Marcy, Secretary of State of the United States, to Antonio José de Irisarri, designated Nicaraguan Minister to the United States [4]

WASHINGTON, *October 28, 1856.*

SIR: I have the honor to inform you that I have laid before the President of the United States the copy of the letter signed by Señor Patricio Rivas, as President of the Republic of Nicaragua, dated the 24th. July last,[5] accrediting you as Minister of that Republic to this Government. I am instructed by him to acquaint you that the troubled state of political affairs in Nicaragua at the present time renders it quite uncertain as to the persons who are in possession of the civil authority of that State—or, indeed, if there be now such authority established there as entitles it to be considered as a real or *de facto* Government.

[1] Notes to Central America, vol. I. [2] See below, this volume, pt. II, doc. 1368.

[3] Neither of the documents, referred to, appears with the note, in the manuscript volume. The enclosure, which should have come with Irisarri's note of October 16, apparently, came by hand, later, and will be found, below, this volume, pt. II, doc. 1351.

[4] Notes to Central America, vol. I.

[5] See below, this volume, pt. II, doc. 1351. This note, apparently, came by hand. See above, this part, Marcy to Irisarri, October 20, 1856, doc. 1074, and note 3 thereto.

It is not, I presume, unknown to you that the right of Don Patricio Rivas to exercise the functions of President of Nicaragua is seriously contested. The reception of a diplomatic Agent by the President from either of the contestants for the Chief Magistracy would necessarily involve a decision in regard to that controversy by the Executive of the United States which, in consequence of the imperfect and conflicting statements of the political condition of that country, he is not now prepared to make. I am therefore directed to acquaint you that he declines to receive you as minister from Nicaragua.

I avail myself of this occasion [etc.].

1076

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

Private WASHINGTON, *December 17, 1856.*

MY DEAR SIR: It was expected that your resignation, as you have declared your intention to resign, would have reached the Department before this date. You will, I trust, excuse me for calling your attention to this subject.

Yours truly.

1077

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [2]

WASHINGTON, *February 28, 1857.*

SIR: I have received your letter dated the 24th. instant in reply to my note of the 17th. December last [3] relative to your delay in sending your written resignation, which had been then for some time expected. In that reply you have alluded to the conversation I had with you on your return from Nicaragua in November last.

Your account of that interview is very imperfect, and the part of it which you have adverted to, differs essentially in several respects from my recollection of what then passed between us. I, however propose only to notice an important omission in my remarks at the conclusion of our interview.

no longer any occasion for the services of a Minister there. I did not imagine that you desired or could expect to hold the office of Minister after the mission was discontinued—but to remove all ground for doubt on the subject, I suggested that you should resign.

The course you have taken is quite unexpected. I considered, and supposed you did, that your office terminated when you were notified by me in November last, that the President had no occasion for a Minister in Nicaragua, but I suggested that you should present your resignation, as a course which would be agreeable to you, and with a view to remove any pretence however slight, for a question which judging from the tenor of your last letter to me you may raise, viz: whether you still hold the office of Minister Resident to Nicaragua.

Yours [etc.].

1078

William L. Marcy, Secretary of State of the United States, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

WASHINGTON, *March 2, 1857.*

SIR: Your letter of this date to the President [2] resigning the office of Minister Resident of the United States to Nicaragua, has by him been received and referred to this Department. I am directed to inform you in reply that the resignation is accepted.

I am, Sir, [etc.].

1079

Lewis Cass, Secretary of State of the United States, to William Edward Venable, United States Minister Resident in Guatemala [3]

[EXTRACT]

No. 1 WASHINGTON, *April 28, 1857.*

SIR: Herewith you will receive your commission as Minister Resident of the United States to Guatemala. In acknowledging its receipt you will please to inform the Department of the place of your birth.

I transmit also your personal instructions and the papers to which they refer. Apart from the general obligations of the public law the relations between the United States and that Republic are governed by the Treaty of third of March 1849. It will be your duty to watch over the faithful execution of this instrument on the part of that Government. This duty

the neighboring Republic of Nicaragua, which there is good reason to believe have excited the authorities and perhaps the people of Guatemala against all persons supposed to be citizens of the United States. It is even stated in the public prints that several citizens of the United States have recently been shot in Guatemala. The cause or the pretext for this proceeding is not mentioned, and the Department has no official information upon the subject. Under the circumstances, however, it is obviously desirable that you should repair to your post without any delay that can be avoided. On reaching Guatemala, you will make known to its authorities the amicable sentiments entertained for it by this Government and our hope that they will be fully reciprocated by a faithful observance of the Treaty in spirit and in letter. While in your intercourse with the people and the authorities you will maintain the utmost courtesy and moderation; you will not allow it to be inferred that either you or your government will acquiesce in any intentional injustice on their part, towards citizens of the United States. We shall expect for them nothing which they cannot claim under the treaty and public law; and we shall not accept in their behalf any thing less than this.[1] . . .

I am [etc.].

1080

Lewis Cass, Secretary of State of the United States, to William Carey Jones, Special Agent of the United States to Central America [2]

WASHINGTON, *May 15, 1857.*

SIR: You have been appointed by the President a special agent of the United States to visit the States of Central America, for the purpose of observing and reporting upon the condition of affairs in that quarter, and of preventing, as far as possible, the recent occurrences there from affecting injuriously the interests of this country. In pursuing these general purposes of your agency, you may have it in your power to be of special service, at this time, in Nicaragua. The latest intelligence from that Republic, justifies the belief that citizens of the United States may be found there, who have participated in its local controversies, and are now left by the reverses of war without the means of returning home. Whatever may be the merits of the controversy in which they have been engaged, common humanity requires that some effort should be made to rescue them from their present condition. You will, therefore, proceed at once to Panama, where you will embark on board the United States sloop of War ——[3] whose commander will be instructed to receive you and to convey you to the port of San Juan del Sur

[1] This omitted portion deals with his salary and other routine matters.

on the Pacific Coast. From this point you will make the best of your way to Rivas, at which place, it is supposed, you will be most likely to find the authorities of Nicaragua. If, upon your arrival at Rivas, the hostilities which have so long disturbed Nicaragua shall still be undetermined, your good offices may possibly be useful in negotiating between the hostile parties, and assisting to end the contest. Should the war have already terminated in the defeat and capture of Walker and his friends, you will exert your efforts to obtain their release and procure their departure from the country. If they can make their way to the Atlantic Coast, an American ship will receive them at Greytown, and carry them to the United States. If they can embark most readily from the Pacific Coast, the same ship that takes you to San Juan, may be able, without much delay, to receive them on board and take them to Panama. On this whole subject much must be left to your discretion, because it is impossible to foresee what precise condition of affairs may exist when you reach your destination, or how far and in what way it may be proper for you to interpose between the contending parties there. You will take care, however, to have it distinctly understood that whatever you do for the relief of our countrymen in Nicaragua, is done from considerations of humanity, and without any disposition to express an opinion concerning the Nicaraguan controversy. For the existence of this conflict the government of the United States is in no sense whatever responsible, and you will endeavor, of course, to relieve it from any false impressions which may be held on this subject in Nicaragua. It is notorious that the war began between different parties of the native population, and that, in the first instance, it was not participated in by citizens of the United States. When ultimately they took part in it, they did so upon the express invitation of one of the native parties, whose leader claimed to be the rightful President of the Republic. The party to which they joined themselves proved victorious; but in consequence of the armed intervention of Costa Rica and other Central American States, the foreigners who were invited to the country have been left without adequate support, and have possibly been overthrown. These facts, with which you are familiar, you will employ, with such other considerations as may occur to you, in order to explain the conduct of our countrymen, and to alleviate any hostile feeling which it may have created against us in the minds of the dominant party of Nicaragua.

A project has grown out of the domestic disturbances in that Republic, which looks to its extinction as an independent State, and the absorption of its territory by the adjoining Republics. It is scarcely possible that such a project can receive the deliberate assent of any considerable portion of the Nicaraguan people, however much the pressure of immediate danger may

to the prejudice of the Spanish American races against the alleged aggression of foreigners from the North, and this danger will of course be magnified in order to meet the wishes of those who urge it. But you will assure all those persons with whom you converse on this subject, that the United States not only have no desire for conquest or dominion in Nicaragua, but would see with great regret the consummation of a project to divide her territory, and terminate her national existence. She occupies a position in Central America of great importance, and with peace restored to her citizens, and the reasonable development of her resources, she may fairly look forward to a future of honorable success. Some of the difficulties by which she has been oppressed, have recently approached an amicable adjustment through the intervention of our own government and she may always rely upon our sincere disposition to promote her prosperity, and to secure for her by any good offices within our reach, the full enjoyment of her territorial rights. From the zeal and firmness which she has heretofore shown on this subject, it is not believed, that she will either consent to be partitioned out among other States in her neighborhood, or that she will easily acquiesce in the loss even of any important part of her possessions. In the controversy which she has long had with Costa Rica, concerning the boundaries between them, she has maintained an exclusive right to the territory on both banks of the San Juan river, and to the district of Guanacaste, including the control, therefore, of one of the most important communications between the Atlantic and Pacific Oceans. Should she now yield this right, she will deprive herself of the chief element of her importance, as well as of some of the finest portions of her present territory. In whatever relates to this line of interoceanic communication, the United States, you are aware, must feel a peculiar interest. Our citizens have important rights with reference to it which have been granted to it by Nicaragua, and which, of course, must be respected in the future, no matter what arrangements may be made among themselves by the States in its vicinity. And, apart from any considerations of private interest, it is of great public importance, in the view of this country, that the route to the Pacific by the river San Juan and Lake Nicaragua, should be kept open and secure for the travel of the world. On this, as on all the other great interoceanic routes, we claim no monopoly of privilege for ourselves, but we demand, of course, that no preference shall be given in relation to them, to any other foreign power over the United States. Upon this subject our policy is fixed and unchangeable, and you will not hesitate, therefore, so to represent it, on all suitable occasions.

These views, altho' given with special reference to Nicaragua, may be applied equally to your intercourse with other States in that vicinity. This government has no diplomatic representative accredited to Central America,

condition and views of its respective governments. It is impracticable to designate your route, but you will not care (on the one hand) to prolong your stay there, unnecessarily, and, on the other hand, you will not omit to improve any opportunity which may present itself to advance the purposes of your agency. Wherever you go, you will bear in mind that this government desires the peace and prosperity of all the Central American Republics, and will be glad to see them in the possession of wise and stable governments, strong enough to maintain their independence, and to resist the encroachments of any foreign power. Our own interest with respect to them, apart from this friendly regard which, as the eldest Republic of the Continent we naturally feel towards them, is directed, as you are already informed, to the proper disposition and management of those great inter-oceanic routes which lead over the Central American territory to our Western possessions. One of these has recently been interrupted, and our citizens complain of serious injuries, in consequence of the interruption, to their persons and property, and of the seizure of the boats which were employed in making the necessary transit. You will investigate, as far as you can, the circumstances which gave rise to these complaints, and report the result to this Department. It is hoped that, with the cessation of hostilities in Nicaragua, the communication by the river San Juan and lake Nicaragua, may be at once re-opened and made secure. This subject will claim the early attention of our Government, and in your intercourse with the Costa Rican authorities, you will not fail to give it the prominence which it deserves.

You will be provided with a special passport to designate your public character, but you will probably find it desirable to travel generally as a private citizen. As a traveller you will find sources of information accessible to you, which as a public functionary, might not be within your reach. Nor will that jealousy be excited towards a private citizen, which would be sure to watch your progress, were you travelling as the recognized Representative of the United States.

Your compensation will be at the rate of $8 a day from the time of your leaving this City until your return to it. You will, also, be allowed your necessary transportation, and your personal expenses. With a view, however, to avoid future differences or discussion as to the character of particular items which may be charged, as well as to relieve you from the necessity of multiplying vouchers, which may not always be easily obtained, it is deemed advisable to commute your allowance for personal expenses to eight dollars per day, which you will consider in full compensation therefor. For the expense of your transportation, you will take care to provide vouchers of a full and explicit character.

You will of course make such an arrangement with the commander of the

from any accountability therefor.

You will report fully to this Department from time to time as opportunities may offer, and, as far as possible, you will keep it advised of your address.

I am, Sir, your obedient servant [etc.].

1081

Lewis Cass, Secretary of State of the United States, to William Carey Jones, Special Agent of the United States to Central America[1]

WASHINGTON, *July 30, 1857.*

SIR: Reports have reached here, which I trust however are not correct, that the Government of Costa Rica has formed projects of aggrandizement, and intends to appropriate to itself portions of the Territory of Nicaragua, thus converting the war which has just been terminated by the accomplishment of the object for which it was avowedly undertaken into a scheme for territorial acquisition. Such a design is so unjust in itself, in view of the circumstances, and so inconsistent with the public declarations of the Government of Costa Rica, when directing its forces, to march into Nicaragua, that the President is unwilling to believe the project is seriously meditated. Still the reports are of such a character as to render it proper you should communicate freely with the Governments of Costa Rica and Nicaragua on the subject. The question itself presents grave considerations, not only for them, but for all the other independent States of this continent, whose position and relations render the prosperity of each a subject of general interest to all of them.

You will bring to the recollection of the Government of Costa Rica the various circumstances which appeal forcibly to her sense of justice, against the project now imputed to her. Her own good faith is in the way of it. She would violate the solemn pledges given when she proposed to go to the aid of Nicaragua by attempting to convert this into a war of conquest. It may not be useless to refer to some of the public declarations which were made upon this subject in order to secure coöperation both in Nicaragua and elsewhere. Among these is the proclamation of the President of Costa Rica of March 1st 1856, in which it is said that "Ours is not a fight for a piece of land —not to secure ephemeral powers—not to achieve a wretched conquest," &c. And again in another proclamation of the same President of March 7th., he announces, that he will "command in person the expeditionary army about

And these declarations are in conformity with the act of the National Congress of the Republic of Costa Rica which announced by its decree of February 26th. 1856, that the object of the war "is to protect the inhabitants of Nicaragua against the ominous oppression of the freebooters, and to drive them from the face of the soil of Central America."

And the same purpose was avowed in the proclamation issued by President Mora the 28th. February two days after the above decree was passed.

More solemn pledges of the objects of a State and of the line of policy to be adopted in their attainment, with a view to propitiate public opinion and to secure coöperation in a hazardous enterprise could not be given. They have passed into history and they cannot be violated with impunity. It would be a manifest breach of good faith to convert a war thus undertaken to defend a Sister State from "bandits", and possession thus acquired into a territorial conquest, and permanent occupation. An injustice of this kind might again light up the flames of war in Central America and postpone indefinitely the pacification of the country.

The people of the United States cannot be indifferent to the progress and prosperity of the Central American States, with which they are destined to have an important and mutually beneficial intercourse. It is the hope of the President that the political troubles which have so long harassed them, will be now brought to a conclusion and that a free and stable government and a wise course of administration will enable each of them to enter upon a career of improvement, which they have so many motives to pursue, and where they have so beautiful a region for all their exertions. But this hope will prove vain if they yield to a spirit of conquest and exhaust their energies in hostile efforts against each other instead of directing them to the peaceful advancement of their true interests.

Reference was made in your instructions [1] to the controversy, which has so long been pending, between Nicaragua and Costa Rica respecting their boundary. It is a question, with which the United States have no direct interest, except so far as it may affect the route from Ocean to Ocean by the San Juan River. There are peaceable and honorable modes of adjusting it far better than by a resort to force. And each of the parties has in turn proposed thus to arrange it, but from circumstances, comparatively trivial the propositions have heretofore failed. It is the opinion of the President that these parties ought to be restored to the state they were in when the war commenced, and he recommends that they then have recourse to the mode pointed out in the sixth article of the Clayton-Bulwer treaty for the settle-

[1] See instruction dated May 15, 1857, above, this part, doc. 1080.

time has come, when a mutual arrangement can be no longer safely delayed. If the course thus recommended be adopted and a spirit of good will prevails, those States will remove every cause of dissension existing between them and secure their future friendly relations so necessary to the prosperity of both.

The progress of events has rendered the inter-oceanic routes across the narrow portions of the American Continent a question of great importance to the commercial world, and especially to the United States, whose possessions extending along the Atlantic and Pacific coasts demand the speediest and easiest modes of communication. The magnitude of the subject it is even now difficult to appreciate, and from year to year it is destined to increase in interest. While the just rights of sovereignty of the States, occupying this region should always be respected, we shall expect that they will be exercised in a spirit befitting the occasion and the new circumstances that have arisen. No Government can close these gates of intercourse on the great highways of nations, and justify itself by saying they belong to us and we have the right to shut them. Such a pretension would not be tolerated. It is equally the interest and the policy of all these States to encourage the opening and the use of the transit routes, and to protect them against vexatious delays and interruptions. With the concurrence of the respective governments, a large foreign capital has been embarked in these enterprises, and of this the citizens of the United States have contributed their full proportion. Under these circumstances any efforts to interrupt the transit or to interfere with the rights of our citizens would be considered an unfriendly act by this government. While the United States are sensible that for the reasons already referred to, their interest in this great question is more important than that of any other Power yet they seek no peculiar privilege whatever. All they desire is that these routes be kept open and uninterrupted for the commerce and intercourse of all nations alike. And the President indulges the hope, that they may yet be considered by general consent as neutral highways for the world, not to be disturbed by the operations of war.

Considerations connected with this subject, independently of those already adverted to, would render a scheme of conquest by Costa Rica very unacceptable to the United States.

The transit grants which were made by Nicaragua were made when she was in full possession of the territory which they embrace, and they cannot be affected now by any forcible seizure of this territory on the part of Costa Rica. It is not believed that such a pretension will be asserted, but since the grants have been heretofore disapproved by that State, its authorities may be strongly urged, if a change of occupancy should occur to set them wholly aside, and repudiate all the rights to which they have given rise. It is

understand that Costa Rica has ever claimed jurisdiction over the San Juan river but only the territory on its right bank, and the right of enjoying its navigation. How far her pretensions now extend and whether they have been increased by the events of the war, are not known here. There can be no reasonable objections to a mutual arrangement by which the free navigation of the river, shall be secured to her citizens, leaving the jurisdiction over it to Nicaragua. But this government would see with reluctance the establishment and occupation by Costa Rica of military positions along the river, by which its navigation might be liable to interruption whenever the two States should be embroiled in disputes. We have reason to believe that measures have already been taken with a view to such military occupation, and if you ascertain that such is the fact you will remonstrate with the Government of Costa Rica and present for its consideration the views herein urged.

An equitable adjustment of the conflicting claims, of these two States might easily be arranged without subjecting the route of communication to different jurisdictions. It is desirable, that each of the inter-oceanic routes should pass through the territory of a single State, thus avoiding those jealousies and collisions which would be sure to arise from a political partition. Where therefore this object is already obtained by actual possession and by the exercise of jurisdiction, the territorial condition should not be disturbed, but under the most imperious circumstances. None such exist in this case, and you will make known to the authorities of Costa Rica the confident expectation of the United States, that the possession of the territory, over which the line of communication passes, will be left to Nicaragua. Keeping this object in view, the President will be gratified to learn, that the long continued controversy between Nicaragua and Costa Rica, concerning their boundary, has been amicably and satisfactorily adjusted.

I am, Sir, Your obedient servant [etc.].

1082

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, designated Nicaraguan Minister to the United States [1]

Private and Confidential WASHINGTON, *August 28, 1857.*

SIR: I have received your letter [2] and read it attentively. There are some explanations, connected with the subject, to which you refer, which are necessary to a full understanding of it, preparatory to the action of the Govern-

of the matter, until Diplomatic relations between the United States and Nicaragua are fully reëstablished. An event, which I hope will soon take place.

If there are any serious objections to this delay, I will thank you to make them known to me.

I have the honor [etc.].

1083

Lewis Cass, Secretary of State of the United States, to Luis Molina, Costa Rican Chargé d'Affaires at Washington [1]

WASHINGTON, *September 18, 1857.*

SIR: In May last Mr. W. Carey Jones was sent as an agent of this government to the different Central American States, for the purpose of procuring accurate information of the state of things there, in which the interests of the United States were involved. Additional instructions were forwarded to him on the 30th. of July,[2] which were rendered necessary by reports, that had reached here subsequently to his departure, that measures were about to be adopted by Costa Rica, which this government considered unjust in themselves, and injuriously affecting the interests of the United States. Mr. Jones was directed to make known to the Governments of Costa Rica and Nicaragua, the views of the President in relation to this subject. No acknowledgement has yet been received from Mr. Jones, that this letter has reached him, and tho' duplicates were sent to him, and by different routes, it is possible, the despatches may have failed to arrive at their destination. Under these circumstances, I have thought it proper to communicate to you a copy of this letter of July 30, and to request, that you would lay it before your government.

Copies of it will be likewise transmitted to the Ministers of the other Central American States and to the Minister of New Granada, with a similar request that it may be brought before their respective governments. It is due to that spirit of friendly intercourse, which the President is anxious should characterize the relations between this country and those Republics, that the views of the United States respecting the serious questions which may arise in the present juncture of Central American affairs should be distinctly and frankly avowed.

I avail [etc.].

[1] Notes to Central America, vol. 1.

[2] See above, this part, doc. 1081.

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, designated Nicaraguan Minister to the United States [1]

Private WASHINGTON, *September 18, 1857.*

MY DEAR SIR: Diplomatic relations not being yet established between the United States and Nicaragua, tho' I trust they will be in a very short time, I take the liberty to intimate to you unofficially that I should be pleased if you would communicate to the government of Nicaragua the papers I have this day sent you, being copies of the letters to Mr. W. Carey Jones and the Minister of Costa Rica.[2] The United States are solicitous, that the Territorial rights of Nicaragua should be respected, believing that if an attempt at aggrandizement is once successfully made by one of the Central American States against another, an example will be set, which may be disastrous to the peace, security and prosperity of that interesting portion of our Continent.

I am, Sir, very truly yours.

1085

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri and Luis Molina [3]

WASHINGTON, *September 18, 1857.*

GENTLEMEN: I have had the honor to receive your note of the 14th. instant,[4] in regard to the preparations which, it is alleged, are being made in furtherance of another Expedition from the United States against those of Central America,—and to lay it before the President. Enclosed you will receive a copy of instructions on the subject which have already been addressed to the United States District Attorney at New York,[5] and I am directed by the President to assure you that all other proper measures shall be taken without delay, to prevent the apprehended infraction of our laws to which you have called his attention, and to punish those lawless persons who may be found guilty of setting on foot and preparing the means for military expeditions in this country against neighboring Republics with which the United States are at peace.

I avail [etc.].

[1] Notes to Central America, vol. 1.
[2] See above, this part, docs. 1081 and 1083.
[3] Notes to Central America, vol. 1.
[4] See below, this volume, pt. II, doc. 1390.
[5] Not included in this publication.

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, designated Nicaraguan Minister to the United States[1]

WASHINGTON, *September 26, 1857.*

SIR: I have just received your letter of the 25th. instant[2] and much regret that your health is so impaired and especially, that it suffered in consequence of your late visit to this place. I am unwilling to subject you to a recurrence of your illness, and if you cannot come on here, of course the question of the recognition of the existing government of Nicaragua, which has been submitted to the President must be determined without the benefit of your presence. It was upon that subject I desired to converse with you, and I invited you to repair hither by the direction of the President. The President is now absent, but will return at the beginning of the ensuing week, when he will probably come to a decision respecting your application to be received as the Minister of Nicaragua. I will merely add that should the state of your health permit, I think your presence here for a day or two would be useful in the consideration of this matter.

I avail myself of the occasion [etc.].

1087

Lewis Cass, Secretary of State of the United States, to William Carey Jones, Special Agent of the United States to Central America[3]

WASHINGTON, *October 8, 1857.*

SIR: Your dispatches of August 5th,[4] 2d September and 5th. September, have been received.

I regret that anything should have occurred at this time to embarrass your communications with Costa Rica, but you were quite right not to leave the country without, in some form, making known to its Government the views contained in your instructions. With reference to the Transit Grant which you mention as having been made to Webster & Co. no action on the subject has been had by the Department, nor has any been requested. It is understood that the charter, whatever it is, has not been sanctioned by the Government of Nicaragua. Of this you will be correctly informed during your residence in that country, whose actual condition it is very desirable

[1] Notes to Central America, vol. 1. [2] See below, this volume, pt. II, doc. 1394.

[3] Special Missions, vol. 3.

[4] This probably refers to Jones's letter of August 3, 1857, below, this volume, pt. II, doc. 1383. One despatch of September 5, from him, will be found in part II, doc. 1388, and an-

grants jointly made by the two republics, and even of an intended union between them under one Government, have thus far proved unfounded, but they naturally increase our anxiety for an accurate knowledge of events in that quarter. This is the more important, besides, in consequence of the anomalous character of the existing administration in Nicaragua where the Executive power is exercised by two Presidents, neither of whom has been regularly elected by the people, and where it is difficult to understand what constitution, if any, can be properly said to be in force.

It is hoped that you will have satisfactorily informed yourself upon these and other subjects of your agency in season to return to Washington and communicate with the President prior to the meeting of Congress.

I am, Sir, your obedient servant.

1088

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, designated Nicaraguan Minister to the United States[1]

WASHINGTON, *October 15, 1857.*

DEAR SIR: I regret very much that a decision could not have been reached in respect to the recognition of the present government of Nicaragua, before you were obliged to leave Washington, but you will understand, I am sure, that the delay was not occasioned by any indifference, on the part of this Government, either to the wishes of Nicaragua, or to your own request. There are many circumstances however in the present condition of Central America, which render it important that any measure affecting the States in that quarter, should be maturely answered. By Nicaragua herself, I have understood thro' the British Minister and other sources, a proposal has been made to unite that Republic with Costa Rica under a common Government, but I have not seen a copy of the proposal nor am I aware how far it has advanced, or what the probabilities are of its ultimate success. If you can do so without inconvenience I will thank you to send me a copy of this proposal, and I should be glad also to know whether any action on the subject has been had by Costa Rica. The consummation of the union would, of course, interrupt any negotiations with either of the separate States, but it will be difficult, I should suppose, to arrange its terms, and perhaps the conclusion of a treaty with Nicaragua at this time by the United States, might have an important influence upon the whole question. Of this I shall be able to judge better, after I shall have received your reply to this

sincerely gratified if he shall find himself at liberty, after a further consideration of the subject, to comply with your request in respect to the recognition of the Nicaraguan Government, and the negotiation with it of a friendly treaty.

I am, My dear Sir [etc.].

1089

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, Nicaraguan, Salvadoran, and Guatemalan Minister to the United States [1]

WASHINGTON, *December 14, 1857.*

DEAR SIR: Your telegraphic despatch of this date [2] has been received.

You may be assured that nothing within the competency of this government shall be omitted towards preventing the departure of illegal expeditions from any port of the United States destined for Central America. Fresh instructions upon the subject have just been issued to officers of the United States at New Orleans and Mobile.

I am, Dear Sir, [etc.].

1090

Lewis Cass, Secretary of State of the United States, to William Carey Jones, Special Agent of the United States to Central America [3]

WASHINGTON, *December 29, 1857.*

SIR: Your communications of 13th. October, and 2d and 28th. November,[4] have been received.

In that of the 28th. November, you inform the Department of the events which have delayed your return beyond the meeting of Congress, and your narrative of these events has been read with interest. It is supposed, however, that the reasons which have thus detained you will have ceased to exist before you receive this despatch, and that, having visited the chief places of political interest in Nicaragua and Costa Rica, you are prepared now to return and report to the Department the results of your agency. Your return will therefore be expected at an early day.

You will have heard, probably, before this reaches you, that the Government of Great Britain has appointed Sir William Ousely to be Special Commissioner to Central America. It is proper, also, to inform you that Mirabeau B. Lamar, Esquire, has been appointed Envoy Extraordinary and

[1] Notes to Central America, vol. 1.

[2] Not found. See Irisarri's mailed note of December 13, 1857, below, this volume, pt. II, doc. 1412.

[3] Special Missions, vol. 3.

Minister Plenipotentiary to represent this Government in Nicaragua. He will proceed to his destination at an early day.

I am, Sir, your obedient servant.

1091

Lewis Cass, Secretary of State of the United States, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [1]

[EXTRACTS]

No. 2 WASHINGTON, *January 2, 1858.*

SIR: You have been appointed Envoy Extraordinary and Minister Plenipotentiary of the United States to the government of Nicaragua, and your commission and letter of credence will accompany this communication.[2] In consequence of the unsettled state of things prevailing in that country, and by which the interests of the United States and of their citizens may be seriously affected, it is the desire of the President that you repair with as little delay as possible to the seat of government of that Republic, and enter upon the duties entrusted to you. It is the design of the President to submit your name to the Senate, as soon as that body reassembles, for the mission to Costa Rica to be superadded to the present under the provisions of the Diplomatic and Consular Act passed Aug: 18, 1856. Should the contemplated nomination be confirmed by the Senate our relations with both of those Republics will engage your care and attention. Though the intercourse of the United States with the five Central American Powers, and their geographical position render their proceedings and prospects subjects of much interest to this government, still it is with Nicaragua and Costa Rica, that the most important questions are now pending for solution, owing to the circumstances in which those countries are now involved. It is necessary to place before you the various subjects to which you will direct your attention without unnecessary delay.

The United States are anxious for the improvement and prosperity of the Central American States, and for the establishment of free and stable governments there which may at once stimulate and protect industry and enterprize. All those states have the strongest motives for living in peace together and with no rivalry but that which results from a generous competi-

[1] Instructions, American States, vol. 15.

Mirabeau B. Lamar, of Texas, was commissioned as minister resident in the Argentine Republic on July 23, 1857, but was transferred to Costa Rica and Nicaragua without going to the former post. On January 20, 1858, he was commissioned minister resident in Costa

tion in the career of advancement. War among themselves, which would inevitably become wars of acquisition and aggrandizement would be destructive of their best hopes. And the present hostilities between Nicaragua and Costa Rica, terminate as they may, must be injurious to both. There are no sufficient reasons to justify the contest. It is equally the duty and interest of both of those Powers to bring it to an immediate conclusion. They ought to place themselves in the situation they occupied before the late disturbances broke out, each withdrawing within its recognized territory, and then endeavoring in a spirit of mutual accommodation to arrange the existing difficulties, whatever these may be. If this effort should be unsuccessful, the Clayton-Bulwer Treaty offers a mode of proceeding by arbitration, which would terminate all differences and would be honorable for both parties; and should this mode not be acceptable, a reference to any friendly Power may safely be resorted to. You will be furnished with copies of the instructions, given to Mr. Jones for his government in the duty assigned to him of examining and reporting upon the condition of things in Nicaragua and Costa Rica, and which contain the views of this government upon various questions, in which the United States feel much interest and which may require your action. They will guide you in the discussions into which you may enter with those governments. You will see by adverting to them that Costa Rica, in the opinion of the President, has no just right to hold any part of the Nicaraguan Territory, in consequence of the military operations, in which those countries have recently been engaged. That Costa Rica has precluded herself, by the most public and solemn declarations from converting a war undertaken by her, not less for her own sake, than for the sake of Nicaragua into a scheme of Territorial aggrandizement. What may be the course of the United States, should Costa Rica pursue this project, it is not necessary now to say, as it is to be hoped that no such contingency will arise. This government is opposed to the measure, and its views have been communicated to the government of Costa Rica to whom a copy of that part of Mr. Jones' instructions has been sent. You will perceive, on examining them, the ground of the objections, which the United States have taken to this scheme of annexation, arrising out of the transit route, and its free use for the commerce and enterprize of the world.

Nicaragua has heretofore had jurisdiction over the whole route, and to permit that jurisdiction to be divided, and another Power to intervene is to lay the foundation for future difficulties and obstructions, in the collisions, which will be sure to arise between these local parties. The importance of a free and safe communication along this whole route from Ocean to Ocean is well known to you, as well as the interest with which it is regarded by the People of the United States. Connected with this subject it is proper to re-

all questions of this nature. If grants are made, its judicial authority, in the event of disputed claims must determine the rights of the parties. The United States can only insist, that treaty stipulations be fairly executed, and that good faith be observed towards all those deriving rights from the local government. You will therefore, while carefully watching and protecting the rights of your countrymen, avoid all interference in cases of this kind, giving no preference to any party, but leaving the question of right, should controversies arise, to be settled by the proper judicial tribunals. The President does not doubt, that all such cases will be decided with entire impartiality, and he will not interfere unless under very peculiar circumstances where the law or justice has been plainly violated.

Important documents in reference to these conflicting interests are enclosed. Among these is a copy of a memorial which in May last was presented by Mr. Vanderbilt to the President.[1] Your special attention is directed to it, and you are requested to report your views in relation to it as soon as you are sufficiently informed upon the subject. . . .[2]

There is another subject, you will bear in mind, and on proper occasions will present in a friendly manner to these governments. It is the political relation which these Central American States should bear to one another. Occupying a district of country of vast importance and strongly marked upon the map of the world, and with boundaries the result of the previous divisions under the Spanish Colonial system, and not of political or geographical considerations, and with those causes of difference which must necessarily spring up from their position and circumstances, there will be great danger of ever recurring collision unless this tendency is counteracted by some powerful cause. The government of the United States offers to these States a safe model, by which their respective independent conditions may be preserved, and yet the danger of war among themselves may be averted. A federal system is admirably adapted to their condition, and the people of the United States would be gratified to find it established there, and would see in the measure itself a pledge of future stability in their political institutions and of improvement in all the elements of advancement. Whenever circumstances may render it proper, you will suggest these considerations, avoiding carefully all appearance of dictation, and placing your action upon the true grounds, the interest which the people of this country feel in the prosperity of that fertile and valuable region.

You are aware that a treaty has been concluded between the United States and Nicaragua, which now awaits the ratification of their respective governments. A copy of that treaty is herewith confidentially communicated to

[1] Not included in the present publication.

both parties, and it is to be hoped, that it will meet the favorable action of the government of Nicaragua.

The recent military expedition against Nicaragua, unlawfully fitted out in the United States in opposition to the efforts of the government has terminated by the removal of almost all those engaged in it in this country. And this has been effected without bloodshed, though not in a manner strictly legal. The latest advices inform us however, that a small party yet remains under Col. Anderson, occupying Fort Castillo. The President is desirous, that severe measures should not be adopted towards these men, but that their lives should be spared, and that they should be permitted to return in safety to the United States. Instructions will be given to the commanding officer of our squadron in that quarter to give them a passage in a public vessel if it should be necessary. The President commends this subject to your special attention. . . .[1]

You have already been informed that Sir William Gore Ouseley has been appointed by the British Government, their Commissioner to adjust with some of the Central American States difficulties, which have arisen out of the Clayton-Bulwer treaty, in consequence of the construction given to it by Great Britain. He is now here and it is understood for the purpose of explaining the objects of his government and the course they propose to adopt, in order to secure the coöperation of the United States in the attempt to terminate the pending controversy. The Commissioner has not yet disclosed either the views of his government or the offers he is authorized to make. Of course no instructions can be given you, to favor or oppose his proposition. As soon as we have authentic information on the subject, you will be advised of the views of the President, and instructed as to the proper course to pursue. In the mean time it is well to remark, that there is yet no sufficient reason to believe, that this Diplomatic measure will reconcile the differences, which have grown out of that treaty. There is such a radical difference in the interpretation given to it, by the respective parties, that it is difficult to find a middle ground on which they can meet. The United States will never assent to the British construction of the Treaty, and tho' at one time we had reason to believe, that the British Government were prepared to adopt our construction, yet circumstances have subsequently occurred, which have materially weakened this expectation. But I shall postpone any further remarks upon this subject till I receive the information respecting the designs of Great Britain to which I have referred.

I am, Sir, your obedient servant.

[1] This omitted portion also deals with claims of United States citizens.

SIR: In addition to the public instructions this day transmitted to you,[2] there is a subject, it is proper, should be communicated to you confidentially, but to which you will pay such attention as circumstances may require. I refer to the intrigues which have been put into operation to affect our relations with Nicaragua and Costa Rica and especially to prevent the ratification of the treaty, recently concluded with the former Power. Copies of the papers relating to this matter, which are in possession of the Department, accompany this letter.[3] It is very probable these efforts have been extended much farther, than is indicated by this correspondence. At any rate, it is proper you should be acquainted with the facts, in order to counteract the designs of persons who seek to complicate our affairs with the Central American Governments.

The course of Mr. Vanderbilt, a citizen of the United States, is deserving of severe censure. His interference in this matter is every way indefensible, and his assertion that he prevented for some time the recognition of Mr. de Irisarri, as the Minister of Nicaragua is entirely unfounded, and certainly exhibits a mistaken estimate of his own influence. The delay in receiving Mr. de Irisarri, originated, not in the representations or efforts of Mr. Vanderbilt, but in the political condition of Nicaragua and the apparent instability of the government. It is due to Mr. de Irisarri to say, that while he has conducted himself as the faithful representative of his own government, he has secured the respect and confidence of this, by the whole course of his proceedings.

I am, Sir, your obedient servant.

[1] Instructions, American States, vol. 15.

[2] See above, this part, doc. 1091.

[3] At the close of this instruction, is listed, as an enclosure, "Mr. Irisarri's note to Secretary of State 20th Novr '57 with accompaniments," which was not found with the file copy. But, see Irisarri's note to the Secretary, below, this volume, pt. II, doc. 1413, and its enclosure, below, this volume, pt. II, November 20, 1857, note 3, p. 636, the latter being of the same date, and, inevitably, the one intended as an enclosure with this instruction.

Lewis Cass, Secretary of State of the United States, to Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras [1]

[EXTRACT]

No. 1 WASHINGTON, *March 29, 1858.*

SIR: Herewith I transmit your Commission as Minister Resident of the United States to the Republic of Guatemala, together with your printed personal instructions and the papers to which they refer.

You are probably aware that your immediate predecessor, Mr. William E. Venable died shortly after his arrival in the City of Guatemala, last summer, and before he had presented his credentials. No changes have occurred in our relations with Guatemala, which require any modification of the instructions with which he was furnished.[2] They were, in general, to watch over the faithful execution of the Treaty between the two Countries of the 3d March, 1849, and to make known to the authorities of Guatemala the amicable sentiments entertained towards that country by the Government of the United States, and our hope that they will be fully reciprocated.[3] . . .

I am, Sir [etc.].

1094

Lewis Cass, Secretary of State of the United States, to Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras [4]

No. 2 WASHINGTON, *March 29, 1858.*

SIR: In addition to your appointment as Minister Resident to Guatemala, the President has been pleased to confer upon you an appointment of the same character to Honduras.

Herewith you will receive your Commission, and the usual letter of credence and corresponding office copy.

Under the 9th. Section of the act of 18th August, 1856, to regulate the diplomatic system of the United States, which contemplates a superadded office, you will be allowed a compensation as Minister to Honduras equal to fifty per cent. of your salary as Minister to Guatemala—that is, equal to three thousand seven hundred and fifty dollars per annum. This additional compensation will not commence until you shall have left Guatemala for

[1] Instructions, American States, vol. 15.

Beverly L. Clarke, of Kentucky, was commissioned minister resident in Guatemala on January 7, 1858. He was also commissioned minister resident in Honduras, January 14, 1858. He died, in Guatemala, on March 17, 1860.

[2] See above, this part, doc. 1079.

[3] The omitted portion relates to the reported murder of two Americans, and routine mat-

your visit to that country for this purpose.

As many years have elapsed since the United States were represented by a diplomatic agent in Honduras, you will be able to communicate much interesting and valuable information respecting the political, social, and physical condition of the country. You are aware that discussions have taken place between this Government and that of Great Britain in respect to the interests claimed by the latter in Honduras and the adjacent islands. For your information as to the views of the United States upon this subject I send you herewith all the printed documents published by authority of Congress relating to Central American affairs, so far as they can be obtained. A list of them is subjoined.[1]

You will exercise a constant supervision over the interests of your countrymen in Honduras, and use your best efforts to secure to them the enjoyment of their rights. You will impress upon the Government of Honduras the friendly sentiments entertained for that Republic by your own Government, and by all proper means endeavor to inspire a just confidence in the integrity and benevolence of our intentions towards the weaker sister Republics of Central America.

I am, Sir, your obedient servant.

1095

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, Nicaraguan Minister to the United States [2]

WASHINGTON, *April 20, 1858.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Yrisarri, Envoy Extraordinary and Minister Plenipotentiary of Nicaragua, of the 16th. instant,[3] relative to an illegal expedition against that Republic which is alleged to be in preparation at Mobile. This communication also adverts to other topics respecting which it will be necessary for the Undersigned to obtain the decision of the President which will then be imparted to Mr. Yrisarri. That gentleman is aware that this government has heretofore done every thing within its power towards preventing expeditions of the character referred to and towards punishing those by whom they were set on foot. The same course will be pursued in future but in order that any measures which may be adopted for this purpose may have a likelihood of success, the names of the offending parties to whom Mr. Yrisarri alludes or some proof tending to

[1] Copies of neither the list nor the printed documents were with the file copy of this instruction.

signed will cause the necessary instructions upon the subject to be addressed to the proper officers at Mobile. Meanwhile, the Undersigned avails himself [etc.].

1096

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, Nicaraguan Minister to the United States [1]

WASHINGTON, *April 26, 1858.*

SIR: In pursuance of the purpose expressed in my note to you of the 20th instant,[2] I have laid before the President your communication of the 16th instant,[3] as well as that of the 22d[4] in reply to mine above mentioned.

In respect to the apprehended invasion of Nicaragua thro' the agency of a company incorporated by the State of Alabama intended—as is alleged in your note of the 16th. instant—"under the specious guise of emigrants to introduce large parties of filibusters" into that State; and to the measures by which it is proposed to defeat the suspected objects of the contemplated enterprise, the President instructs me to say, that the officers of the United States have the most stringent orders to execute the neutrality law of April 1818, and, that, without specific information which will warrant the interference of the law officers of the Government with suspected persons or movements, no other measures can, constitutionally, be adopted with the view of preventing the legitimate operations of the Company referred to.

No official copy of the act of the Legislature of Alabama, incorporating this company has been received here, but it is certain that, in chartering the enterprise that Body could have had no knowledge of any illegal objects being contemplated, nor has this Government any information which would justify the belief that such a legislative enactment is designed to be made subservient to any such unlawful purpose.

Nicaragua has the unquestioned right to adopt such precaution as she may deem necessary for her own security or defence. But the President expects that in the exercise of this right, great care will be taken not to interfere with, or infringe the equally sacred rights of American citizens who may not have committed any violation of the laws of that State.

The Undersigned [etc.]

[1] Notes to Central America, vol. I.
[2] See above, this part, doc. 1095.
[3] See below, this volume, pt. II, doc. 1430.
[4] See below, this volume, pt. II, doc. 1431.

Lewis Cass, Secretary of State of the United States, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [1]

No. 6 WASHINGTON, *June 3, 1858.*

SIR: Your communication of March 27th.[2] announced the ratification by the Nicaraguan Government of the treaty of November 16th. between the United States and that Republic, and informed the Department that it would be transmitted to this Country by the same mail which conveyed your despatch. It now appears, however, that altho' the treaty had been submitted to the Nicaraguan Congress, and there approved by the requisite majority, it was, nevertheless, detained by President Martinez, and has again been submitted for consideration to the Congress of Nicaragua. Of this detention you appear to have been kept wholly in ignorance, and were thus permitted to communicate to your government the information of a ratification which had not been completed. From a communication which has been received from our Consul at Panama, Mr. Corwine,[3] a copy of which is enclosed, there is some reason to believe that those strange proceedings were occasioned, in part at least, by the intervention of Monsieur Belly, a French subject who had recently arrived in Central America, and appears to have been received with marked cordiality and respect by the authorities both of Costa Rica and Nicaragua. In the San José "Cronica de Costa Rica," of April 14th. a speech of this person is published, which is said to have been made at an entertainment in that city, and one passage of which is supposed to contain an offensive allusion to our pending treaty with Nicaragua. Whether these conjectures concerning Monsieur Belly are correct, or if so, whether he has any authority from the French Government, this Department is not informed, and, in the absence of any information from you on the subject, I am quite uncertain, what importance should be attached to it. The conduct, however, of President Martinez in respect to the treaty, and to you in connection with it, no matter what may have occasioned it, seems to be wholly inconsistent with those considerations of respect and good will which ought always to prevail among friendly nations, and which the United States especially, had peculiar reasons to expect would be cordially regarded by Nicaragua in her intercourse with this Government. You will make known, therefore, to the Nicaraguan Government the surprise and regret with which the President has heard of these proceedings, and his confident hope that a just disposition of the treaty may now be promptly made, and that the extraordinary embarrassments, which have already delayed it, may be, at the same time, satisfactorily explained. The Presi-

tions of the Nicaraguan authorities, he will determine as to the course concerning it which may be required of this Government. He is not prepared to believe that Nicaragua intends to reciprocate by acts of injury or disrespect the friendly disposition which this Government has repeatedly manifested towards that Republic, but if such be her determination, he will know how to meet it as it deserves. You will receive herewith the translation of a note from Mr Irisarri, the Minister in this Country of Nicaragua,[1] in which he communicates the desire of his Government for an extension of the time prescribed in the treaty for an exchange of ratifications, and a copy, also, of my reply.[2] Under existing circumstances, this Government could take no further steps on the subject, without a sacrifice of its self-respect; but I need hardly inform you that the President desires that the treaty should be ratified even at this late period, and if it should be approved and returned, without unnecessary delay, he might be disposed, from his appreciation of its importance and from his disposition to continue in friendly relations with Nicaragua, to assent to a suitable extension of the time. The treaty, however, should come to Washington in such a form as to render unnecessary any further action on it by Nicaragua.

The views of the President with respect to the transit routes across the Isthmus were sufficiently explained in your instructions of 2d January last,[3] and need not be repeated now. While however our policy concerning them is of the most liberal character, and contemplates their free enjoyment by all the nations of the world, there are obvious reasons why we should prefer to have them under the control and management of American Companies, and the United States could not look with indifference upon any attempt to change this result at the sacrifice of the rights of our own citizens. Should such an attempt be made by the Government of Nicaragua, with respect to the transit through that country, it will then be for this Government to determine what measures are required of it for the just protection of its citizens in the enjoyment of their rights. In your intercourse with the Nicaraguan authorities you will bear in mind these considerations, and while you will not undertake to commit your Government to the absolute enforcement of any contract, you will take care to point out to the Nicaraguan Government the dangerous consequences which may ensue should its plighted faith be disregarded on a subject so important as the route from the Atlantic to the Pacific, by the river San Juan.

I am, Sir [etc.].

. . .[4] . . .

[1] See below, this volume, pt. II, doc. 1437.
[2] See below, this part, doc. 1098.
[3] See above, this part, doc. 1092.
[4] The omitted portion contains a list of enclosures, all of which are referred to in the body

Since the preceding despatch was closed, I have had a conversation with Count de Sartiges, the French Minister, with reference to Belly. Count de Sartiges not only has no information that Mr. Belly is acting in a public capacity in Central America, as an agent in any way of the French Government, but he expresses his confident belief that he is nothing more than the agent of a private company in France sent out to accomplish their private ends.

1098

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, Nicaraguan Minister to the United States [1]

WASHINGTON, *June 4, 1858.*

SIR: I have the honor to acknowledge the receipt of your note of the 30th. ultimo [2] representing that you had been informed by a communication of the Secretary of Foreign Relations of Nicaragua, of the 1st of that month, that the government of that Republic had again submitted the Treaty of the 16th. of November last to the Legislature for its consideration and had instructed you to request of this government an extension of the time for the exchange of the ratifications.

In reply, I have the honor to acquaint you, that your note has been laid before the President, who has directed me to state that this information has occasioned much surprise and disappointment. These feelings have been deepened and confirmed by the fact that no explanation is offered for the extraordinary course of the Nicaraguan government. A different proceeding would have afforded the President a more reliable assurance of the disposition of that government which you express in its behalf, for the maintenance of lasting peace and harmony between the two Republics. Hitherto this government has unequivocally shown the strength of its own wishes to that end, but as it feels bound to consult its own dignity and interests even in preference to this desire, I am further instructed to inform you, that, under existing circumstances, and after the strange and unexplained proceedings which have delayed the treaty in Nicaragua, your application for an extension of the time for the exchange of the ratifications cannot be granted. It is yet probable that the ratification of Nicaragua may reach here in season, but if this hope should be disappointed, this government must await further information from that of Nicaragua upon the subject, before it can determine what course it should adopt in order to vindicate its own dignity and the rights of its citizens. The necessary explanations in

credited to the government of that Republic.

I avail myself of this occasion [etc.].

1099

Lewis Cass, Secretary of State of the United States, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica[2]

No. 7 WASHINGTON, *June 16, 1858.*

SIR: In my last despatch of the 3d instant[3] I informed you that Count de Sartiges, the French Minister, had been at the Department and had expressed the confident opinion that Mr. Belly, the Frenchman, whose movements in Central America had attracted some attention, was merely the private agent of a company in Paris, and possessed no diplomatic authority from the French Government. I am now enabled to communicate to you a confirmation of this opinion from the French Minister of Foreign Affairs. Count de Sartiges called at the Department on the 12th. instant and read to me an extract from an official communication to him from Count Walewski, dated May 26, 1858, in which Count Walewski expressly assures him that Mr. Belly is "neither charged with any mission nor clothed with any public character. He is understood to be the agent of a Canal Company and is not authorized to treat upon any political question." With this distinct repudiation of him as a public agent, it can hardly be possible that the Government of Nicaragua will allow him to influence its conduct with respect to the United States, even if he should be disposed to do so. The interests of Nicaragua, as well as those of all commercial nations, unquestionably demand that the liberal policy which is embodied in the Treaty of November in respect to the Transit routes across the Isthmus, shall be perseveringly maintained, and it is earnestly hoped the government of Nicaragua will not be induced under any circumstances to depart from it.

I am, Sir, your obedient servant.

[1] See the instruction to Lamar, above, this part, doc. 1097.
[2] Instructions, American States, vol. 15.
[3] See above, this part, doc. 1097.

Lewis Cass, Secretary of State of the United States, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [1]

No. 9 WASHINGTON, *July 25, 1858.*

SIR: The serious causes of complaint existing on the part of the United States against the Governments of Nicaragua and Costa Rica have already been made known to you, and you have received the necessary instructions to demand of those governments prompt and ample reparation for the injuries for which they are responsible. You will again draw their attention to this subject, and especially the attention of the government of Costa Rica, of which we have the most cause to complain for wrongs done to our citizens, and urge the immediate action of both governments in order that the United States may not be compelled to resort to other measures to secure that justice, to which they are entitled and which they are determined to obtain.

Recently, however grave events have occurred in that region, which have still more complicated our relations with those Republics. Your various despatches, numbered 8, 9 and 10,[2] with the accompanying papers, reached the Department a few days ago and have engaged my attention. The information you communicate is important, tho' much of it is little creditable to the governments with which you have to deal. And besides the information received from you, two documents have reached here from Europe requiring the attention of the government, one of which purports to be a contract for opening a canal, of which you were not aware at the time you wrote, while the other contains a kind of manifesto, issued by the Presidents of Nicaragua and Costa Rica against the United States as irreconcileable with the proprieties of their position, as with the true state of the facts, which have furnished the occasion for this misrepresentation.

These papers do not come to us thro' an official channel but still circumstances indicate that they are authentic. I enclose copies of both of them.[3] Your first step will be, by a categorical enquiry, whether this manifesto or declaration is genuine, and if you find it is not, any further proceedings in relation to it will be unnecessary.

In order that the views and intentions of the United States respecting their relations with Nicaragua and Costa Rica should be fully made known to those governments, you will communicate to their proper officers respectively [4] a copy of this despatch, omitting however such portion of it as relates to this manifesto should its authenticity be disavowed.

[1] Instructions, American States, vol. 15.

[2] See below, this volume, pt. II, docs. 1432, 1435, and 1436.

[3] No enclosures appeared with the file copy of this instruction. However, the text of the latter may be found below, this volume, pt. II, [illegible]

Costa Rica and to dismiss their ministers, accredited to this government. And had such a cause of offence been given by France or England, or by any other nation, with a well established government, properly appreciating its duties towards Foreign Powers, this course would at once have been adopted. But the United States in this case will take counsel not from their rights, but from the condition of these Republics, and they will not hold the People responsible, upon this occasion, for this undignified exhibition of ill feeling, which is rebuked by the whole history of their intercourse with this Country. The United States are, as they have ever been, sincerely desirous of the prosperity of the States of Central America, and of the establishment of free, stable and enlightened governments among them. And the instructions, with which you were furnished, when you departed upon your mission and which were made known to the Governments of the States to which you were accredited, bear undeniable evidence of this disposition. You were told, that a federal system, resembling in its outlines that of the United States was admirably adapted to their condition and that the people of the United States would be gratified to find a similar one established there, and would see in the measure itself a pledge of future stability in their political institutions and of improvement in all the elements of advancement. And you were instructed, whenever circumstances should render it proper to suggest these considerations, avoiding however all appearance of dictation, and placing your suggestions on the true ground, the interest the people of this Country feel in the prosperity of that fertile and valuable region.

And still animated with these sentiments, the United States will deal with forbearance with this uncourteous provocation, having no fear, that their moderation will be misunderstood. But you will give these governments distinctly to understand, that a suitable reparation will be insisted on, or the United States will no longer be restrained by the considerations I have adverted to, from seeking, by more efficacious means, proper redress for these unworthy imputations.

Besides the reproaches of which this effusion of ill feeling is made the medium of communication to the world, it indicates a line of policy looking to European intervention, in American affairs, to which the United States have long since avowed their opposition, and which they will resist under all circumstances. I refer to the protectorate, demanded by this proclamation, and to the appeal to the governments of France, England, and Sardinia, to assume the duties attached to that position.

Before proceeding, however, to this subject, there is another, which I desire first to dispose of, and which concerns events, that have been connected with the relations between these Countries and the United States.

It is asserted by these "Supreme Chiefs of the Republics of Nicaragua and Costa Rica," that at the time they issued this document, (May 1, 1858), a filibustering expedition menaced those States and was at that time preparing to invade them, and that the movement was to be made under the patronage of the government of the United States, with a view to take possession of Central America, if Central America refused to surrender itself voluntarily to this Country. This absurd intimation, declaration rather, that the United States were urging the annexation of this whole Isthmian region, is made with as much gravity, as tho' the authors of it had the actual proof of the fact before them. The assertion is unworthy of refutation. But it justifies some general observations connected with this matter.

That unlawful warlike enterprises have been carried on from the United States composed of persons from different Countries, against the territory of Nicaragua, is not to be denied. But during the whole progress of these illegal efforts the government of this Country has faithfuly performed the duty imposed upon it by the laws, as well through public proclamations against such enterprises, as by giving the necessary directions to the proper officers to prevent their organization, and departure, as by invoking the action of the Judicial tribunals, and also by the employment of its naval force. It is unnecessary to support these assertions by detailed proofs. They are as well known in Costa Rica and Nicaragua as here. Sometimes indeed, owing to the defect of proof it has not been in the power of the Government to arrest these expeditions. But even when its exertions have not succeeded in preventing their departure, they have been fairly and generally successfully directed to prevent reinforcements of men and *material* from reaching the adventurers who had eluded the vigilance of the officers of the law.

The good faith of the United States, in relation to these illegal undertakings, has been much misunderstood and misrepresented, both in Central America and elsewhere. A brief recurrence however to the true state of the facts would remove many of the erroneous impressions which have prevailed. It would show to every impartial enquirer what is indeed known to the present rulers of Nicaragua, that the origin of these attempts is due to the intestine difficulties of that Country, and to the interference and application of persons of high authority there, supported by the concurrence of a portion of the population.

Under such circumstances, the first expedition of this kind left the United States in June 1855 and it was soon afterwards claimed that the party with which it acted and whose interests it had promoted, had obtained such possession of the country as to entitle its authorities to be recognized as the

But there is another consideration, not less decisive in forming an estimate of the conduct of the United States under these circumstances. *A fresh invasion*, says this accusatory manifesto, *is preparing under the patronage of the government of the United States for the purpose of definitely taking possession of Central America*, &c.

I have already said, that time has shown the error of this assertion and ought to bring with it a due acknowledgment. No such expedition has left this country, nor in fact, so far as I know, was one then contemplated. But a review of this subject presents a yet more powerful justification of the policy of the American government. There has been no period since these projects were first set on foot by the Nicaraguan invitation, when they would not probably have been successful, had the laws of the United States against such military enterprises been repealed or suspended by the legislative authority, or been left unenforced by the Executive authority. The State of Nicaragua owes its political existence or rather, its present rulers owe the power they exercise, to the laws of the United States as executed by this government, and the return for this fidelity is the undignified denunciation which has been given to the world. The most careless observer of passing events must be convinced that if military expeditions met no opposition in the United States from the public authorities, the spirit of adventure originally called into action by Nicaragua itself, and fostered by subsequent occurrences, would send to that Country without delay bands of enterprising men who would soon attain the control of its affairs and change the whole course of its policy—probably of its destiny.

But the Presidents of these Republics deal in specific facts as well as in more general allegations. They charge that "the government of the United States has according to official reports made to that of Costa Rica by its Minister Plenipotentiary at Washington, declared it was utterly powerless to prevent past attempts by the filibusters, or to protect the neutrality of Central America, owing to the insufficiency of the laws of the United States on this head."

This accusation is wholly without foundation. No such declaration was ever made by the government of the United States. It would have been an act at once of fatuity and of falsity. As to the difficulties in the enforcement of these laws, they are not denied, and have given much trouble to the government in the efforts it has made to carry them into effect. But that they are powerless, or have proved so, no one, in or out of the United States, has the right to assert. The Representatives of the Central American States

may be called on, as witnesses, that in all cases, where they have given information to the government, that military expeditions against that region were about to be undertaken, measures have been immediately adopted to prevent their success, and to arrest and punish the offenders. Sometimes these efforts have failed, owing to causes not within the control of the government, and sometimes they have been successful, but at all times, the knowledge of the disposition of the government to discharge energetically the duties imposed on it by the laws has operated as a powerful restraint upon these enterprises, and has crippled the means relied upon for their consummation. To these views connected with this charge of acknowledged imbecility, I have now to add, that I have just had an interview with the present Minister Plenipotentiary of Costa Rica in this City and have been assured by him, that no such declaration was ever received by him from this government nor communicated to his own. If such a communication was ever made by any one in good faith, it must have been done under some strange misapprehension.

I perceive that you also occupy a place in this grave document, and that your "boasts in public" it is said, as to the course which will be pursued by the United States in the event of the failure of Nicaragua to ratify the recent treaty, have been deemed important enough to be introduced into this catalogue of national complaints. I have no doubt, but that whoever has watched you, with a view to listen to and report your conversation, has grossly misreported you. But the Presidents of Nicaragua and Costa Rica have much to learn in the duties of a just and wise administration, if they consider it proper or dignified to collect the remarks of foreign ministers in conversation, and gravely report them to the world as grievances, demanding its interposition or at any rate its condemnation. If you had given any just cause of dissatisfaction to the governments of those Republics, as I am satisfied you have not, there was another course open to them, far more befitting the occasion than this, and that was to make a representation of the circumstances, to the government of the United States, in which case an enquiry would have been instituted, and an efficient remedy, if necessary, would have been applied.

As to the statement it has been thought proper to make that "all the official agents of the United States in Nicaragua have been the accomplices, and auxiliaries of the invaders," I know nothing of it, except what is mentioned in this paper, and its position there in the absence of all proof, is not sufficient to entitle it to confidence. I repeat the assurance already given with relation to yourself that if any of these agents have justly rendered themselves obnoxious to such charges, let the governments, considering themselves injured by their conduct, transmit to this Department specific charges, embodying these or any other accusations with evidence in support

tionality of the republics of Nicaragua and Costa Rica," it is a subject very easily disposed of, so far as the United States have any concern in the question. The President has no belief, that either of the Powers, thus publicly and improperly appealed to has ever given the least encouragement to such a proposition, nor had any reason to anticipate it. The French Government has voluntarily disclaimed any connection with M. Belly, and has given assurances, that it has no designs upon Central America, but on the contrary has avoided any interference of that kind. A guarantee for the general use and security of a transit route, and also for its neutrality is a desirable measure which would meet the hearty concurrence of the United States. These views have already been made known to the Governments of Costa Rica and Nicaragua, and they have been informed "that the President indulges the hope that these routes may yet be considered by general consent as neutral highways for the world, not to be disturbed by the operations of war." These great avenues of intercommunications are vastly interesting to all commercial Powers, and all may well join in securing their freedom and use against those dangers, to which they are exposed, from aggressions or outrages, originating within or without the Territories thro' which they pass.

But the establishment of a political Protectorate by any of the Powers of Europe, over any of the Independent States of this continent, or in other words, the introduction of a scheme of policy, which would carry with it a right to interfere in their concerns, is a measure to which the United States have long since avowed their opposition, and which, should the attempt be made, they will resist by all the means in their power. The reasons for the attitude they have assumed have been fully promulgated and are every where well known. There is no need upon this occasion to recapitulate them. They are founded on the political circumstances of the American Continent which has interests of its own,[1] disconnected from many of the questions, which are continually presenting themselves in Europe, concerning the balance of power, and other subjects of controversy, arising out of the condition of its States, and which often find their solution or their postponement in war. It is of paramount importance to the States of this Hemisphere that they should have no entangling union with the Powers of the old world, a connection which would almost necessarily make them parties to wars, having no interest for them, and which would often involve them in hostilities with the other American States contiguous or remote. The years which have passed by since this principle of separation was first announced by the United States have served still more to satisfy the people of this country of its wisdom and to fortify their resolution to maintain it, happen what may.

narrow portions of Central America vastly important to the commercial world, and especially to the United States whose possessions, extending along the Atlantic and Pacific Coasts, demand the speediest and the easiest modes of communication. While the just rights of sovereignty of the States, occupying this region should always be respected, we shall expect that these rights will be exercised in a spirit befitting the occasion, and the wants and circumstances, that have arisen. Sovereignty has its duties, as well as its rights, and none of these local governments, even if administered with more regard to the just demands of other nations than they have been, would be permitted in a spirit of eastern isolation to close these gates of intercourse on the great highways of the world, and justify the act by the pretension that these avenues of trade and travel belong to them, and that they choose to shut them, or, what is almost equivalent, to encumber them with such unjust regulations, as would prevent their general use. The United States do not seek either the control or the exclusive use of these routes. They desire that the advantages should be equally common to all nations. Nor do they claim to interfere with the local governments in the determination of the questions connected with the opening of the routes, and with the persons with whom contracts may be made for that purpose. What they do desire, and mean to accomplish is that the great interests involved in this subject should not be sacrificed to any unworthy motive, but should be guarded from abuse, and that, when fair contracts are fairly entered into with American citizens, they should not be wantonly violated. Other nations will no doubt pursue the same course in relation to their citizens or subjects, who may have similar interests.

But besides these general considerations, applicable to this subject, there are others which impose additional obligations upon these Isthmian Powers, and which bear with equal force upon their relations with other nations. Several of these Powers, and Nicaragua, especially, have in fact, by their public proceedings, invited the coöperation of the capital and industry and enterprize of the world in order to open these lines of communication. The citizens of the United States have contributed their full share towards the accomplishment of the enterprize, and this government intends to use the means in its power to protect them in the enjoyment of their rights. The good faith of Nicaragua has been committed, and large sums have been expended, looking to its faithful observance.

A paper has recently appeared in the public Journals, to which I have already referred, purporting to be a contract, between the governments—the Presidents rather—of Costa Rica and of Nicaragua, and Mr. Belly a French citizen and his associates, constituting a new canal route company, and providing for its operations. Nothing is known here officially of the authenticity

these governments the views of the United States respecting their own interests and the interests of their citizens involved in the contracts for opening transit routes. So far as regards the action of Costa Rica, the President adheres to the views laid down in the instructions to our Special Agent Mr. Jones,[1] a copy of which has been communicated to those governments and also furnished to yourself. And the United States, while they interpose no objection to an amicable adjustment by those Republics of the question of their boundary line, will recognize no arrangement which interferes with the existing transit interests as insisted on in those instructions.

The United States no more claim for their citizens an exclusive right to form contracts for opening these transit routes, than they claim for them the exclusive use of the routes, when the work is completed. Their construction is a fair object of competition for the citizens and subjects of all other Powers. The work is as open to M. Belly and his associates, as to any other enterprising person. There are but two points connected with this matter which have any interest for the United States, or which would justify their intervention. The first is, that no contract with M. Belly, or with any one indeed, should interfere with engagements previously existing with America citizens, but that all such engagements should be preserved inviolate; and the second is, that the regulations and conditions of the grant should be such as to render the routes free and safe to all Nations, but controlled by no one, and upon moderate and reasonable terms. It would be equally impolitic and unjust for these governments, in a desire to make those great undertakings profitable to themselves, without furnishing any contribution towards their construction, to levy onerous charges upon the persons and property destined to pass over them, and by this means interpose serious obstacles to their general use. These local Governments should look to the vast benefits which these enterprises will bring to the countries through which they pass, and not strive by excessive impositions to make them sources of revenue, and defeat by this ill judged measure the very object sought to be obtained.

It is not necessary, that I should enter into a detailed examination of M. Belly's contract. There are physical and financial obstacles, as well as political ones in the way of its execution, some of which can hardly be overcome. I shall therefore only advert to one of the provisions, rather with a view to the future proceedings of these governments than from any practical bearing it will have in this case.

But previously to doing so I will bring to your notice one extraordinary stipulation which it could scarcely be expected would be acceptable to the United States, and which must have been entered into in the anticipations of their objections to it. Those objections are insurmountable.

Nicaragua for the entire duration of the works.

I am persuaded that this proposition will meet no favor from the French Government, and that its name has been introduced here unwarrantably and without its knowledge. The equality and security of these interoceanic routes constitute a great portion of their value to the world, and all commercial powers are interested in their maintenance. An exclusive right in one of these Powers to exercise a permanent armed intervention would give serious cause of dissatisfaction to all the others, and the United States freely avow their determination to oppose such a measure should the governments of Costa Rica and Nicaragua attempt to carry it into effect.

But there are additional considerations applicable to this contract with M. Belly, and to other contracts for similar purposes, entered into by the government of Nicaragua, which commend themselves to the attention of the government of the United States, and will not be disregarded. There are several American citizens who, with different interests, claimed to have formed engagements with the proper authorities of Nicaragua for opening and using the transit routes, with various stipulations, defining their privileges and duties, and some of these contracts have already been in operation. This government has neither the authority, nor the disposition to determine the conflicting interests of these claimants. But what it has the right to do, and what it is disposed to do, is to require, that the government of Nicaragua should act in good faith towards them, and should not arbitrarily and wrongfully divest them of rights justly acquired and solemnly guaranteed. The United States believe it to be their duty, and they mean to execute it, to watch over the persons and property of their citizens visiting foreign countries, and to intervene for their protection, when such action is justified by existing circumstances, and by the law of nations. Wherever their citizens may go thro' the habitable globe, when they encounter injustice, they may appeal to the government of their country, and the appeal will be examined into, with a view to such action in their behalf as it may be proper to take. It is impossible to define in advance and with precision, those cases in which the National power may be exerted for their relief, or to what extent relief shall be afforded. Circumstances as they arise must prescribe the rule of action. In countries, where well defined and established laws are in operation, and where their administration is committed to able and independent Judges, cases will rarely occur, where such intervention will be necessary. But these elements of confidence and security are not everywhere found, and where that is unfortunately the case, the United States are called upon to be more vigilant in watching over their citizens, and to interpose efficiently for their protection, when they are subjected to tortious pro-

United States are fully justified by the considerations already adverted to, in taking care that they are not wantonly violated, and the safe establishment of an interoceanic communication put to hazard or indefinitely postponed. The course of the government of Nicaragua with relation to these engagements contains nothing in it reassuring for the future. Contracts duly executed with all the forms of law, carrying with them important vested rights have been arbitrarily set aside by Executive decrees,—a mode of proceeding not recognized in the contracts themselves,—and without resorting to the action of Judicial tribunals. The facts in dispute have been unjustly assumed, and the hand of violence has been laid upon solemn engagements, which ought to have found their security in the good faith of the government. I am not aware, that in any case, has the forfeiture of a contract been declared in any other way than by an arbitrary executive decree. This is a state of things, to which no nation is bound to submit. It is vain to expect, that the means of men and money, required from other Nations for the execution of these works will be furnished in the face of such manifestations of bad faith. Without confidence these great enterprises must fail, nor is it probable that one of them requiring a heavy outlay would now be undertaken and completed, without some surer guarantee for their protection, than would be furnished by the engagements of these Central American States. The danger of violation is too well known and appreciated to justify the expectation of the investment of capital under such unpropitious circumstances.

So long as a pecuniary object is supposed to furnish a motive for rescinding existing contracts and forming new ones, without any regard to vested rights, no progress will be made in the construction of canals, or of other permanent and expensive works for transportation.

The United States acting in behalf of their citizens object to this system of confiscation, and they do not doubt, but that they will have the concurrence of all other Powers, who have similar interests in these vastly important measures. What the United States demand is that in all cases, where their citizens have entered into contracts with the proper Nicaraguan authorities, and questions have arisen or shall arise respecting the fidelity of their execution, no declaration of forfeiture either past or to come shall possess any binding force unless pronounced in conformity with the provisions of the contract, if there are any, or if there is no provision for that purpose, then unless there has been a fair and impartial investigation in such a manner as to satisfy the United States, that the proceeding has been just and that the decision ought to be submitted to. Without some security of this kind, this government will consider itself warranted whenever a proper case arises in interposing

The course of the government of Nicaragua, with relation to the treaty concluded by the Plenipotentiaries of that Republic and of the United States on the 16th. of November last, has given serious dissatisfaction to the President. That Treaty, had it been ratified by both parties, would have provided for the satisfactory arrangement of all the unsettled questions between them. It was negotiated by Agents furnished with full powers, and on its reception in Nicaragua it met the approbation of the President, and was sent by him to the Constituent assembly for its ratification, and was constitutionally ratified by that body. The disposition since made of it is unknown to this government. It is known however that the just expectations of this Government have been disappointed, and that, too, under circumstances of the most unpleasant character. Assurances were more than once received from the Nicaraguan Minister here, and I am well persuaded he believed them, that the treaty had been ratified, and was already on its way to this Country by a special messenger, and you also were firmly persuaded by the circumstances you stated, that such had been the action of the Nicaraguan government. On the 28th. of March [1] you announced to this Department the ratification of the treaty, and on the 28th. of April [2] you reported that you had been led into error upon this subject. You explained the causes which had misled you, and certainly they were such as to justify the impression they produced and to lead to the conviction that you were intentionally deceived. It is deeply to be regretted that the President of that Republic when he received your congratulations upon the ratification of the treaty, did not promptly and frankly point out to you your error, so that you might communicate the true condition of affairs to your own government.

You refer to a conversation, which you had with the Minister of Foreign Relations, on the 26th. of May,[3] and during which he made representations, which it is difficult to reconcile with the proprieties belonging to his position, or with the facts themselves so far as these are known to this Department. At this interview as an excuse for the inaction of the Nicaraguan government, he stated to you that certain amendments and modifications had been forwarded to Mr. Buchanan, and that as soon as Mr. Buchanan's answer was received—which he said would be in about eight days from that time—the government would be able to speak more definitely about its fate. This personal reference to the Chief Magistrate of a Country with the avowal that a correspondence had been opened with him by the Minister of Foreign Affairs of another government, is a procedure at once uncourteous and unusual in the intercourse of Nations. But besides this objection, there is yet

[1] See below, this volume, pt. II, March 27, instead of "28," 1858, doc. 1427.
[2] See below, this volume, pt. II, doc. 1432.

account for the delays which have taken place and adds obviously to the responsibility of the government of Nicaragua.

No explanation has been received from that government justifying or extenuating its proceeding, nor is it known here, what is the present situation of the treaty, nor what disposition it is intended to make of it. Had it been duly ratified and exchanged, it would have removed all existing causes of complaint, and would have laid the foundation for the most amicable relations and the most useful and active intercourse between the two Countries. The conduct of the government of Nicaragua has still more complicated those relations and placed the two countries in a critical position.

This government however yet indulges the hope, that a returning sense of justice may induce the governments of Nicaragua and of Costa Rica to recognize their duties and to afford redress for the serious causes of complaint which the United States have urged. But it is proper they should both distinctly understand that the American people and government have yielded enough to the weakness of those republics, and without doing them injustice, they will now take care and do justice to themselves. Preparatory to such action as may be necessary, naval force will be stationed at San Juan del Norte, and also at San Juan del Sur, and at Realejo with orders to afford all necessary protection to the persons and property of American citizens, and the commanding officers will be directed to communicate with you and you will not fail to keep them advised upon all subjects, which may relate to the execution of the duties thus entrusted to them.

I am [etc.].

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Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, Guatemalan, Salvadoran, and Nicaraguan Minister to the United States[1]

WASHINGTON, *September 23, 1858.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Yrisarri, Envoy Extraordinary and Minister Plenipotentiary of the Republics of Guatemala, Salvador and Nicaragua, of the 21st instant,[2] upon the supposed departure of William Walker for Aspinwall with the intention of again invading Central America, and requesting that measures may be adopted for preventing his landing in that Country.

[1] Notes to Central America, vol. I.

[2] See below, this volume, pt. II, doc. 1467.

In reply, the Undersigned has the honor to acquaint Mr. Yrisarri that General Instructions, as he is aware, have been issued by the President on the subject of such expeditions as that which Mr. Yrisarri seems to fear may have been organized by Genl Walker. Pursuant to Mr. Yrisarri's suggestion, those instructions shall be renewed. There seems, however, to be great doubt whether Genl Walker has really left the country, or whether an armed expedition for the invasion of Central America, is likely to attempt a landing there. No arrest, of course, can be made except in cases which fall within the law, which it is presumed Mr. Yrisarri will not question the President has given ample proof of his disposition faithfully to execute.

The Undersigned avails himself [etc.].

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Lewis Cass, Secretary of State of the United States, to General Máximo Jerez, Special Representative of Nicaragua to the United States [1]

WASHINGTON, *October 5, 1858.*

SIR: I have received your letter of yesterday,[2] and have submitted it to the President, and I am instructed to inform you that the apology it contains for the offensive allegations, to which you have referred, against the United States is deemed sufficient and that it removes the difficulty, which till now has prevented your reception as the Envoy Extraordinary from Nicaragua. The President will receive you to-day at 1 o'clock for the presentation of your credentials.

I avail myself of this opportunity [etc.].

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Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, Nicaraguan Minister to the United States [3]

WASHINGTON, *October 7, 1858.*

MY DEAR SIR: I have received your note of the 29th. ultimo [4] with the accompanying official papers of Guatemala and Salvador containing articles relative to the conduct of Nicaragua in relation to the Treaty between the

[1] Notes to Central America, vol. 1.

Máximo Jerez was sent to the United States by Nicaragua, on a special mission, to continue the pending negotiation of a treaty. He presented his credentials on October 5, 1858.

Agreeably to your request, I herewith return the papers, and avail myself of the occasion [etc.].

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Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, Nicaraguan Minister to the United States [1]

WASHINGTON, *October 25, 1858.*

SIR: I have had the honor to receive your note of the 20th. instant [2] enquiring as to the conclusion to which this government may have come in regard to the treaty with Nicaragua signed on the 16th. of November, last. In reply, I have the honor to acquaint you that no communication in writing has been addressed to General Jerez on the subject, but that gentleman having exhibited his full powers, was orally informed that as they were not found sufficient to authorize him to exchange the ratification of the Treaty by Nicaragua for the ratification by the United States, unless the United States should agree substantially with the proposed amendments of Nicaragua, there seemed to be nothing further to be done in the matter.

I avail myself of this occasion [etc.].

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Lewis Cass, Secretary of State of the United States, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [3]

No. 12 WASHINGTON, *November 2, 1858.*

SIR: It is proper to advise you of the circumstances which have attended the reception here of General Maximo Jerez, as Envoy Extraordinary and Minister Plenipotentiary of Nicaragua, and of the precise aspect of the questions which have been discussed with him.

When General Jerez informally presented himself at the Department before his recognition, he was informed that as preliminary and essential thereto, this Government would require a full and unequivocal explanation and disavowal of the offensive language and imputations against the United States, contained in the Manifesto signed at Rivas on the 1st May last, by the Supreme Chiefs of the Republics of Nicaragua and Costa Rica;[4] an apology in the name of the former State was accordingly made in terms which

Jerez in his official character.

On the following day General Jerez informed this Department that the main object of his mission related to the Treaty pending between the two Governments and that he was ready to go into that question whenever the Department thought proper.

He was asked whether his Powers were sufficient to enable him to exchange the ratifications of the Treaty signed in this city on the 16th. November, last; and in reply he presented a copy of his powers which authorized him to "continue the pending negotiations in relation to that treaty in order that, should the modifications made by the assembly of Nicaragua on the 28 of June last, be adopted he can conclude said treaty definitively and exchange it in due form"; with this document [2] General Jerez submitted the modifications referred to, with which you are doubtless familiar. He was informed that the United States could not reopen negotiations respecting the principles already settled in the Treaty, and would not accept these modifications. In the spirit of compromise this Government would assent to the 3 Article of the modifications, but to none other. If General Jerez had no authority to pursue any other course than that indicated by the proceedings of the Nicaraguan Assembly his mission, he was told might be considered at an end. On receiving this intimation the Minister of Nicaragua suggested that if time were allowed to enable him to transmit to his Government the views of that of the United States he might receive, in due season a satisfactory reply. No objection was made to this course, and Gen[l] Jerez was assured, that, if, before the President had decided upon the measures which should be adopted, the Treaty should be returned by Nicaragua in its original form; or if it should be returned in that shape even after those measures had been communicated to Congress, the Treaty would be submitted to the Senate with a view to its ratification; but that this communication would not be delayed in order to afford further time for discussion or to await the result of deliberations in Nicaragua.

I am, Sir, your obedient servant.

[1] See the note, from Jerez, of October 4, 1858, below, this volume, pt. II, doc. 1471, and the reply of the State Department, of October 5, 1858, above, this part, doc. 1102.

[2] For the reply referred to, see below, this volume, pt. II, doc. 1456, and for the proposed modifications, note 2, p. 702.

No. 14 WASHINGTON, *November 4, 1858.*

SIR: Your despatch Nº 25 [2] announcing your arrival in Costa Rica and the friendly reception which was extended to you by the Government of that Republic has been perused with much interest. It is especially gratifying to learn from you that His Excellency, the President of Costa Rica, had, in a spirit of frankness and independence which does him great honor, and promises the most auspicious results in the future relations of the two counties, spontaneously and formally renounced the errors contained in the Rivas Manifesto of 1st May last,[3] in reference to this Government, and had expressed the full confidence which he entertains in the good faith and upright intentions of its Executive. The copy herewith enclosed of a recent Proclamation of the President in reference to illegal expeditions against Central America will afford another proof, if it were necessary, of the sincerity of those sentiments which, in the name of this Government, you have expressed to the Presidents of Costa Rica and Nicaragua; and which, it is hoped, will not be disturbed by a repetition of those unjust and offensive imputations of which we have had so much reason to complain.

I am, Sir, your obedient servant.

1107

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, Nicaraguan Minister to the United States [4]

WASHINGTON, *November 8, 1858.*

SIR: I have noticed in the Journals of New York certain regulations purporting to have been issued and published upon the subject of passports for persons who may embark for Nicaragua. As this Department has heard nothing from you in relation to the matter, the authenticity of the regulations might be deemed questionable especially as it is presumed you are aware that it is usually deemed preferable for a diplomatic agent of a foreign power accredited to this government, to communicate with the public through the Department of State, I will consequently thank you for information on the subject; and I avail myself of the occasion [etc.].

[1] Instructions, American States, vol. 16.
[2] See below, this volume, pt. II, doc. 1470.
[3] See below, this volume, pt. II, note 2, p. 692.
[4] Notes to Central America, vol. 1.

WASHINGTON, *November 8, 1858.*

SIR: The attention of the President has been called to a notice, signed by you officially, which has just appeared in some of the public Journals, warning the public against purchasing tickets for passage to Nicaragua in the steamer Washington, about to leave New York, and alleging that the route across the Isthmus is not now in a condition for use. As no disavowal of this notice has appeared, I take it for granted that the publication is authentic, and under the circumstances, I am directed by the President to inform you that he has seen this course of procedure with regret, and to express the dissatisfaction it has caused him. The immunity granted to foreign Ministers by the Law of Nations exempts them from the municipal law of the country, to which they are accredited, and this consideration dictates the propriety of carefully abstaining from committing any injury against individuals, who are thereby rendered unable to invoke the aid of the Judicial tribunals, in their efforts to procure justice. I am the more surprized at this publication because, tho' you were recently in Washington and in communication with this Department, you made no suggestion concerning it to me, and intimated no necessity whatever for any interference in the matter.

A foreign Minister is intended to be the medium of communication between his own government and the government to which he is accredited. If he possesses information important to the country to which he is sent bearing upon the rights and interests of its citizens, and involving questions of public concern, it is his duty to address himself to the government near which he resides,—leaving to it, to adopt such measures as it may think are called for by the public interest. This you have failed to do, and the President has therefore instructed me to inform you that your conduct in this respect has been unacceptable to this government.

A copy of this note will be sent to the Minister of the United States in Nicaragua, with directions to lay it before the government of that country.

I am [etc.].

1109

Lewis Cass, Secretary of State of the United States, to General Máximo Jerez, Special Representative of Nicaragua to the United States[2]

WASHINGTON, *November 17, 1858.*

SIR: While the President concurs in the regret expressed in your note of the 12th. instant,[3] that you had not preferred the mode of addressing the

[1] Notes to Central America, vol. 1. [2] Notes to Central America, vol. 1.
[3] See below, this volume, pt. II, doc. 1476.

fluenced by any want of respect for this government, and he does not anticipate, therefore, that the proceeding will in any manner affect the friendly relations of the United States with Nicaragua or its Ministers in this Country.

I avail [etc.].

1110

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, Nicaraguan Minister to the United States [1]

WASHINGTON, *November 17, 1858.*

SIR: I have the honor to acknowledge the receipt of your note of the 11th. instant [2] explanatory of the circumstances under which you felt yourself obliged to publish a regulation of internal police of Nicaragua, addressed to citizens of the United States without previous consultation with this Department.

Altho' it is deemed preferable that notices from Foreign Governments intended for the information of citizens of the United States should be made thro' the medium of this Department it has not been thought, that, in adopting a different course you were prompted by any considerations unworthy of your relations with this Government or of the most profound respect towards it, on your part.

It gives me pleasure therefore to accept as entirely satisfactory the explanations contained in your note of the 11th instant, and to avail [etc.].

1111

Lewis Cass, Secretary of State of the United States, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [3]

No. 17. Confidential WASHINGTON, *December 1, 1858.*

SIR: I enclose herewith copies of the memoranda of conversations with Lord Napier and M. de Sartiges.[4] They will disclose to you the course of

[1] Notes to Central America, vol. 1. [2] See below, this volume, pt. II, doc. 1475.
[3] Instructions, American States, vol. 16.
[4] These memoranda follow:

November 8, 1858.

Lord Napier informed me, by direction of his government, that orders had been given to the English naval force in Central America to prevent the landing of filibusters in Nicaragua and Costa Rica, if requested to do so, by the government of those States. And also to prevent their landing upon any part of the Mosquito Coast or at Greytown, without any application for that purpose from any local authority. He also informed me, that these orders would remain in force during the pendency of the

proceeding in Central America which the governments of France and England propose to adopt and also the serious objections which are entertained by this government to the measure. I make this communication, not only for your own information, but also, that in conservation with the Minister of Foreign Affairs of Nicaragua and Costa Rica you may be able to advise them of the views of the United States upon this subject, and of the position they have taken. I trust that no foreign force will be landed in those Republics, for such a measure would be sure to complicate still more the existing difficulties in Central America.

I am, Sir, [etc.].

November 9, 1858.

The same subject renewed, when I stated to his Lordship the objections of this government to the design of the British government to land forces in any part of Central America. I told him also, that there were two decisive objections to the measure.

1. That it would be a palpable violation of the Clayton-Bulwer treaty, and would be the exercise of dominion in that region, and

2. That it would be sure to add serious complication to the difficulties already existing with England on the subject of that treaty, and would excite a very strong feeling in this Country. Indeed it might be attended with the most serious consequences to the relations of the two Countries.

Lord Napier maintained the right of the British government to take this measure, tho' he agreed that it might be productive of injurious consequences. He stated that he had no authority in the matter but that he would report the representations I had made to Lord Malmesbury. He avowed his conviction, however, that his government would inflexibly adhere to the design, as they felt it necessary to afford protection to Sir W. Gore Ousely, while conducting negotiations with which he had been charged in that quarter. And that this was important to us as well as to England as their object was to make a fair and just treaty, which if effected would go far towards the settlement of the Central American difficulties.

November 21, 1858.

M. de Sartiges called to inform me that he had just received a letter from Count Walewski, who informed him, that the British government had applied to the French government to send some armed vessels to St. Juan del Norte, with orders to land forces, if asked to do so by the government of Nicaragua, to defeat the projects of the filibusters. The government of France had assented to this application, and had ordered a naval force there, but M. de Sartiges considered the measure as intended rather as a demonstration, than with a view to actual interference.

I told M. de Sartiges, that I much regretted the course, which the French government had indicated. That it would excite much feeling in this country, and might still more complicate the existing difficulties in that region. That this government was doing all in its power to prevent the departure of unlawful warlike expeditions for Nicaragua, and hoped to succeed. That Lord Napier had informed me, a similar measure had been adopted by the British government, and I had explained to his Lordship the serious objections to it, which were entertained by the United States, arising not only out of general considerations, connected with the condition of the Isthmian States, and the peculiar interest the United States had in their progress and condition, but out of the Clayton-Bulwer treaty, which would be violated by such a proceeding on the part of Great Britain.

I remarked to M. de Sartiges, that the United States would regret to learn that any concerted arrangements have been agreed on by Great Britain and France, in relation to those regions. That tho' France was no party to the Clayton-Bulwer treaty, nor

Lewis Cass, Secretary of State of the United States, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica[1]

No. 20 WASHINGTON, *March 4, 1859.*

SIR: Your despatches to Nº 39[2] inclusive have been received.

In the interviews reported in your last despatch dated 29 January, between President Martinez and yourself, and between Mr. Cortez and yourself, you truly expressed the views and wishes of your Government, in respect both to the policy of the United States towards Central America and the transit routes, and the manner in which this policy has been met by Nicaragua. The failure of the Nicaraguan Government to ratify the Cass-Irisarri treaty, in time to permit the President to submit it to the Senate at its present session, has been learned by this Government with the greatest surprise and disappointment. That treaty was negotiated in November 1857, was ratified by the Nicaraguan Congress in the month of June following, was detained under circumstances of the most extraordinary character by President Martinez, was permitted to be modified by General Jerez in order to meet the wishes of Nicaragua, and was then returned to Managua for its formal approval by the Nicaraguan Government, which the Nicaraguan Minister here assured us would no longer be withheld. We are now informed, however, not only that the Cass-Irisarri treaty has not been ratified, —but that a treaty of a similar character has been negotiated between Nicaragua and Great Britain, and has been given precedence to our own in the Nicaraguan Congress where it is likely to be adopted. This treaty, moreover, while similar, in its general provisions, to the Cass-Irisarri treaty is found to contain certain stipulations which could not be admitted into the American convention. Yet it seems to be intended that the latter treaty shall conform to the British treaty, and shall thus be again practically rejected by Nicaragua. I need not inform you that these proceedings, on the part of Nicaragua, have been viewed with serious dissatisfaction by the President, and that, if this course of conduct towards the United States continues to be pursued, it cannot fail to lead to the most painful consequences. It is earnestly hoped that, before this despatch shall reach you, the Cass-Irisarri treaty will have been confirmed without any other modification than that which has been assented to by this Government. The provision which is contained in the article of the British treaty Nº 22, as transmitted by you, which requires the United States to prevent the fitting out of armed expeditions within our borders to operate against Nicaragua, or to

would take place, for if it did it would produce great excitement in this country, and could not fail to call for the attention of the government. I requested M. de Sartiges to communicate these views to Count Walewski and also to express the hope that the

render assistance to any political party in that Republic, cannot be assented to by this Government. A similar proposal was rejected by the United States when the Cass-Irisarri treaty was negotiated, and was again rejected when proposed by General Jerez as an additional article to the treaty. It involves an offensive doubt whether this Government will continue to execute in good faith the neutrality laws of the United States, although such laws have been in existence since the administration of Washington, and have always been scrupulously enforced. In respect to Great Britain, the provision is obviously unnecessary, because there are no British dominions in which such expeditions as the article refers to are likely to be set on foot, and equally unnecessary is it in reference to the United States, since our own laws provide for the very difficulty indicated, and are always likely to be faithfully enforced. An agreement by this Government with a foreign nation that it will execute its own laws, would at all times be inadmissible, but it is especially so under the circumstances of the present case. You will so inform the Government of Nicaragua, and you will repeat to them the earnest hope of the President that the Cass-Irisarri treaty will be immediately ratified, without any further modification than that already assented to by the United States, if this ratification shall not already have taken place when you receive this despatch. Any further delay of the treaty, or its ratification with the unacceptable provision already referred to, will make it necessary to consider the question whether our diplomatic relations with Nicaragua shall not be at once discontinued.

I am, Sir, your obedient servant.

1113

Lewis Cass, Secretary of State of the United States, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [1]

No. 22 WASHINGTON, *April 1, 1859.*

SIR: Your despatches to Nº of the 26th February [2] have been received.

The President deeply regrets your inability to report a more satisfactory condition of affairs in Nicaragua, than that which is described in these letters. While your information is neither very full, nor very explicit, it leads to conclusions of the most unfavorable character. From your accounts, and such other sources of intelligence as are open to us, it appears that a treaty of commerce and transit has been concluded by Sir William Gore Ousel[e]y with the Nicaraguan Government which, before this time, has doubtless been confirmed by the Nicaraguan Congress. The provisions of this

the Cass-Irisarri treaty, of November 1857, but with an additional article, which if added to the Convention with the United States, would render that Convention wholly unacceptable to this Government. It appears, moreover, that no treaty, so far as you are aware, has yet been concluded by Sir William Gore Ouseley for the abandonment by Great Britain of the Mosquito Protectorate, and that the Cass-Irisarri treaty has wholly failed to receive the consideration of the Nicaraguan Congress. This state of affairs in Nicaragua could not fail to occasion great surprise to this Government. When Sir William Gore Ouseley reached his destination in Central America, the purposes of his mission had been frankly explained to this Government by the Government of Great Britain. We had been assured that he was instructed to surrender the Mosquito Protectorate to Nicaragua upon terms and conditions which had been substantially approved by the American Senate in the Dallas-Clarendon convention of 17 October, 1856,[1] and which this Government was still willing to accept. It was, also, understood that the two Governments of the United States and Great Britain were fully in accord with respect to the principles and policy which should regulate the inter-oceanic transits in Central America, and that the Cass-Irisarri treaty, as representing these principles and this policy, was in no respect unacceptable to the British Government. It was confidently expected, therefore, that in a brief period after the arrival of the Special Minister of Great Britain in Nicaragua, the abandonment of the protectorate to that Republic would be effectually concluded, and that immediately upon the assembling of the Nicaraguan Congress, the Cass-Irisarri treaty would be ratified by that body, and transmitted, regularly approved, to the United States. Other treaties, framed upon this example, it was expected, would be concluded with Great Britain and such other leading powers of Europe as might feel an interest in the freedom and neutrality of the Nicaraguan transit. In these expectations, as you are well aware, the Government of the United States has been wholly disappointed. The Mosquito Protectorate has not yet been abandoned, but negotiations upon the subjects of commerce and the transit have had that precedence between Great Britain and Nicaragua, which, it was supposed, would necessarily be claimed by the Nicaraguan government for the subject of the protectorate.

The Cass-Irisarri treaty has not been ratified, but its consideration has been postponed to Conventions of a similar character with other nations, and there is now reason to believe that it will either not be ratified at all, or ratified with such amendments as this Government would never think of approving. Considering that this Treaty was negotiated as long ago as November 1857, that it was ratified by the Nicaraguan Congress, but detained afterwards by the very President who transmitted it to Congress,

amendment of the Convention have since been yielded to by the United States and that this Government was confidently assured by the Nicaraguan Minister in Washington that no further opposition would be made to it at Managua, the recent conduct of the Nicaraguan Government in relation to it admits of no explanation consistent either with the good faith of Nicaragua or the respect due to the United States.

To complicate still further the relations of the two countries, and to indicate the continued inattention of Nicaragua to the rights of this Government and its citizens, information has this day been received from San Juan del Norte, that on the 12th. ultimo, the officers of Nicaragua, by direction of its Government, entered forcibly on board the steamers of an American transit Company, which were then peaceably employed on the San Juan river, and without justifiable cause or due process of law, seized and took possession of said steamers, placed in duress the agents having them in charge, hoisted over them the Nicaraguan flag, and still holds them under the care and authority of Nicaragua. From the information which this Government has received this act is regarded as a serious aggression and you will communicate to the Government of Nicaragua the firm expectation of the Government of the United States that the boats will be immediately restored, and the parties injured placed in the position they occupeid before the seizure took place. The redress for the injury already sustained will be the subject of future consideration. It is not my intention at this time to enter into a detailed explanation of the views of this Government in respect to the freedom and safety of the transit routes of Nicaragua, or the claims of those companies who assert exclusive rights to use them. These views were fully stated in my despatch to you of July 25th. 1858,[1] and have not since been changed. In due time, and under proper circumstances, they will not fail to be enforced. I write this despatch only to communicate to you the necessary instructions of the President for your own guidance under the circumstances in which you are now placed. If, upon receipt of this despatch, the Nicaraguan Congress shall have adjourned without ratifying the Cass-Irisarri treaty, or shall have only ratified it with the obnoxious additional article on the subject of neutrality, a copy of which was transmitted in your communication Nº 39 of the 29th. January last,[2] or if the Congress still being in session, the Cass-Irisarri treaty shall not be ratified without this obnoxious article within two weeks after you shall have received this letter, you will at once demand your passports and return home. Should Congress be in session, you may inform the Nicaraguan Government of the circumstances under which alone you are authorized to remain in the Country beyond the time indicated, and should these circumstances fail to take

place, you will then, before taking your departure communicate a copy of this despatch to that Government and to Sir William Ouseley. You will, also, inform the Government of Nicaragua that unless the whole course of that government towards the United States is at once changed, and reasonable redress made for the injuries done by its authority to the rights of our citizens, whether of person or of property, according to the views laid down in my letter to you of July 25, 1858,[1] and by you communicated to the Nicaraguan government, the President will regard all peaceful negotiations with Nicaragua as at an end, and will recommend to Congress to seek redress by force. In the meantime, a sufficient naval force will cruise in the vicinity of Nicaragua, with orders to render all necessary and proper protection to the property and citizens of the United States in that quarter. On this subject I enclose to you a copy of a letter which I have this day addressed to the Secretary of the Navy.[2] Before leaving Nicaragua you will inform the Government of Costa Rica by letter that, in consequence of the course pursued by Nicaragua, your mission has been terminated, and that you are instructed by your government to return to the United States. Any communication which the Government of Costa Rica may desire to make to the Government of the United States will be received thro' the Costa Rican Minister in Washington.

I am, Sir, your obedient servant.

P.S.—*April 2*

Since the foregoing despatch was written, your Nº 41 of March 4th.,[3] with its accompanying papers, has been received.

Among these papers is the note of Mr. Zeledon, of February 25th.[4] informing you of the ratification by the Nicaraguan Congress of a treaty of commerce and transit with Great Britain communicating to you a copy of the treaty, and expressing the hope that you were authorized to conclude a similar treaty with Nicaragua or, if not so authorized, that you would so inform your government, with the view to obtain such power at an early day. After all that has occurred between the two Governments on the subject of the Cass-Irisarri treaty, this inquiry concerning the basis of a new Convention, is nothing less than an insult to the honor and dignity of the United States. It was due to this government that the Cass-Irisarri treaty should have been ratified immediately on the assembling of the chambers, and should have had precedence of all other treaties of a similar character. Even had any amendments been found desirable, consistently with its general purposes, they should have been frankly provided for in that Convention, which would have thus had its proper place as the first and leading treaty on the subject of the transit. Instead of this, it has been rudely thrown aside, a new treaty

and as the only substitute which Nicaragua is willing to approve. The views of your government on the subject of the amendments embraced in the Ouseley and Zeledon treaty have been already communicated to you in my despatch of 4th. ultimo[1] a duplicate of which is, for fear of accidents, enclosed herewith. You will, of course, understand that the proposal of Mr. Zeledon is wholly inadmissible, and you will proceed under the instructions contained in the preceding despatch.

1114

Lewis Cass, Secretary of State of the United States, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica[2]

No. 24 WASHINGTON, *April 4, 1859.*

SIR: Referring to Article Nº 22 of the Ouseley-Zeledon Convention, of which a copy is contained in your despatch Nº 39, of the 29th. January last,[3] you will observe that the Gov^t of the United States objects chiefly to the latter clause of this article which imposes upon this Government the obligation to execute its own neutrality laws. The former portion of the Article, which requires the United States to await the consent or application of Nicaragua before landing troops to protect the transit, except in cases of unforeseen or imminent danger to the lives and property of British subjects [American Citizens] might not of itself have proved an insurmountable barrier to the success of the treaty. The latter clause, however, is wholly inadmissible, and it is this clause to which reference is made in your instructions of the 1st. instant.[4]

I wish, also, to call your attention to the despatch to you from this Department Nº 12, dated November 2nd 1858,[5] in which you are informed that one of the modifications submitted by the Assembly of Nicaragua, on the 28th. June to the Cass-Irisarri Treaty would not be refused by this Government. The modification there referred to—may be numbered differently in different copies of the modifications, tho' there is no difficulty about the subject of it. It was intended to prevent this Government from conveying troops and munitions of war, without the consent of Nicaragua, over the Nicaraguan transit, when such troops and munitions were destined to, and intended to be used against nations friendly to Nicaragua, or to and against the Hispano American Republics. The right to convey troops and munitions, over such transit, for any point in the territory of the United States,

[1] See above, this part, doc. 1112.
[2] Instructions, American States, vol. 16.
[3] See below, this volume, pt. II, doc. 1481.
[4] See above, this part, doc. 1105.

the Article is correctly referred to by its number in my despatch of November 2nd. According to the copy of the modifications on file in this Department, the article which was intended to be acquiesced in, was a part of the 2nd Article. I make this renewed reference to it, in order that no possible uncertainty on the subject may lead you into error, altho' the views of this Government in relation to it, are, doubtless, understood already, both by yourself and the Nicaraguan Government, to whose Minister, General Jerez, they were clearly made known when the proposed modifications were first presented by him to this Government.

I am, Sir, your obedient servant.

1115

Lewis Cass, Secretary of State of the United States, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [1]

No. 25 WASHINGTON, *May 3, 1859.*

SIR: Your despatches to Nº 47,[2] inclusive, together with the Treaty referred to in Nº 43 [3] have been received.

The President fully appreciates the patriotic motives which led you to negotiate this treaty without special instructions for that purpose, and in nearly all its provisions the treaty meets with his approbation. Had the last clause of the XVI article been omitted, it is probable that he would not hesitate to approve the entire Convention, and to send it to the Senate for ratification. This clause, tho' less objectionable in its character than the similar provision in the Zeledon-Ousely [Ouseley] treaty, is still unacceptable to this Government. The objections to it have been heretofore explained to you, and need not be repeated now. It is deemed proper, however, to advise you that, it is with reference to this clause, that the treaty is still held under consideration by the President, altho' he has an anxious desire to terminate all the existing subjects of difference with Nicaragua.

I am, Sir, your obedient servant.

1116

Lewis Cass, Secretary of State of the United States, to General Máximo Jerez, Nicaraguan Minister to the United States [4]

WASHINGTON, *May 5, 1859.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of General Maximo Jerez, Envoy

[1] Instructions, American States, vol. 16. [2] See below, this volume, pt. II, doc. 1496.

Extraordinary and Minister Plenipotentiary of Nicaragua of the 2d instant,[1] expressing his objections to the negotiation, by this Government, of any contract for the transportation of the mails of the United States across the territory of Nicaragua, by the "Atlantic and Pacific Ship Canal Company," on the ground that said company had totally failed to perform their stipulated undertakings, altho' the Government of Nicaragua had extended the time originally granted, that the grants to the company had been annulled by the Congress of the Republic, and that any such recognition of the company as is implied in a postal arrangement with it by this Government would lend to it considerable assistance in carrying on its pretensions, notwithstanding the complete forfeiture of its privileges and rights consequent upon its failure to perform its duties.

In reply the Undersigned feels called on simply to reiterate the doctrine which has been made public in the despatch which he addressed to Genl Lamar, on the 25th. July 1858,[2] on the subject, and which is embraced substantially in the following sentences:—

"Nor do they [the United States] claim to interfere with the local governments in the determination of the questions connected with the opening of the routes, and with the persons with whom contracts may be made for that purpose. What they do desire, and mean to accomplish is that the great interests involved in this subject should not be sacrificed to any unworthy motive, but should be guarded from abuse, and that, when fair contracts are fairly entered into with American citizens, they should not be wantonly violated." And again:—"There are several American citizens who, with different interests, claim to have formed engagements with the proper authorities of Nicaragua for opening and using the transit routes, with various stipulations, defining their privileges and duties, and some of these contracts have already been in operation. This government has neither the authority, nor the disposition to determine the conflicting interests of these claimants.—But what it has the right to do, and what it is disposed to do, is to require, that the government of Nicaragua should act in good faith towards them, and should not arbitrarily and wrongfully divest them of rights justly acquired and solemnly guaranteed."

Where one of the parties to a contract proceeds by an arbitrary act to annul it, on the ground that the other party has failed to comply with its conditions, and by a process, which precludes any investigation, the plainest principles of justice are violated. What the United States require is not that their citizens should be maintained in rights they have forfeited, but that they should not be deprived of rights, derived from the government of Nicaragua without a fair examination by an impartial tribunal.

Lewis Cass, Secretary of State of the United States, to General Máximo Jerez, Nicaraguan Minister to the United States [1]

WASHINGTON, *May 26, 1859.*

SIR: In answer to your letter of the 16th. instant,[2] I have to inform you, that the President considers the stipulations of the treaty entered into on the 16th. November 1857, by the Commissioners of the United States and of Nicaragua, with full powers so to do, just and mutually beneficial to the parties. He thinks that treaty should have been ratified by Nicaragua, without hesitation, and also, that the course of the government of that republic in the delays that took place, and in the other objectionable circumstances attending its action gave just cause of offence to the United States. And this conviction was still farther strengthened by the rejection of that treaty and by the substitution of another without the knowledge of this government. The provisions of the former were more acceptable to the President than those of the latter, and with one exception he considers the changes made unnecessary, in fact injurious. But notwithstanding these objections, the President is very desirous to terminate all the difficulties between the two Republics, and to establish the most friendly relations between them. And with this view, and to give to the government of Nicaragua a satisfactory proof of the kind feelings of this Country, he is willing to submit to the consideration of the Senate the treaty negotiated on the 16th. March, last, if one alteration is made in its stipulations. It is provided in the 16th. Article, that "The United States agree to use all legal means and reasonable vigilance to prevent the formation, within their territories, of hostile expeditions destined for those of the Republic of Nicaragua."

The government of the United States will consent to the insertion of no such provision in any treaty into which they may enter. They consider the proposition itself offensive. They choose to judge what laws they will pass and how these shall be administered without the intervention of any foreign Power. The retention of this clause in the treaty will ensure its rejection by the United States. Its omission, as I have indicated, will be followed by the favorable action of the President.

It is proper, however, to inform you, that if in any treaty that may be negotiated between Great Britain and Nicaragua, any more favorable stipulation respecting the employment of military force to protect the routes is admitted than is provided for in the treaty negotiated on the 16th. March, last, then the United States will require, that the same stipulations shall be inserted in the last mentioned treaty.

I avail myself of this opportunity [etc.].

[1] Notes to Central America, vol. 1.

Lewis Cass, Secretary of State of the United States, to Antonio José de Irisarri, Nicaraguan, Salvadoran and Guatemalan Minister to the United States [1]

Private and Confidential WASHINGTON, *May* [2] *1850.*

MY DEAR SIR: I have just received your private and confidential letter of the 15th. instant [3] and hasten to inform you that this Department has received information, that the British government is dissatisfied with the proceedings of Sir William Gore Ouseley in negotiating the treaty he recently concluded with the government of Nicaragua, and also disapproves of some of the modifications, he introduced into that instrument. The treaty has been returned to Sir William Gore Ouseley and he has been instructed to enter into another negotiation for the purpose of providing at the same time for the relinquishment of the Mosquito Protectorate and for the regulation of Commercial matters and the transit route, and for annulling the changes he introduced and which are unacceptable to the British government. I have reason to believe that a treaty, in all respects similar to the one entered into by you and myself would have been ratified by the Cabinet at London.

I am, Dear Sir, [etc.].

1119

Lewis Cass, Secretary of State of the United States, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [4]

[EXTRACT]

No. 2 WASHINGTON, *August 31, 1850.*

SIR: The commercial relations between the United States and Costa Rica are regulated by the Treaty of 10th. July 1851, a copy of which you will herewith receive.[5] Our political relations with that Republic have of late years been made interesting by events which are well known to you and particularly by its pretension to control the transit between the Atlantic and Pacific oceans by the way of the Nicaragua river and Lake. These pretensions, as you are aware, are based upon claims to jurisdiction over territory which is, and probably with more justice, claimed by Nicaragua. Without discussing, however, the merits of these conflicting claims, the United States

[1] Notes to Central America, vol. I.
[2] The full date was not given in the file copy of this note.
[3] See below, this volume, pt. II, doc. 1503.
[4] Instructions, American States, vol. 16.
Alexander Dimitry, of Louisiana, was commissioned minister resident in Costa Rica and

deny the right of Costa Rica and Nicaragua or either of them to close or unreasonably obstruct the transit routes referred to. This denial is not occasioned by any intention or disposition on our part either to monopolize or to obtain any exclusive advantages in respect to that transit, notwithstanding the deep interest we possess in its prosperity and entire freedom. What we demand for ourselves we demand equally for the world. But although the sparsely peopled Country within whose limits that important gate between the two oceans happens to be placed, cannot reasonably be allowed to close it, yet the power to adopt just and equitable measures to maintain it, and to secure the passage against violence and other improper conduct, is due to the rights of the sovereign States established there.

This policy has governed us in our negotiations with Nicaragua on the subject, as is shown by the discussions that have taken place, and also by the articles of our pending treaty with that Republic, which relate to it. As your predecessor was directed to withdraw from Nicaragua and return home in consequence of the vacillation if not the bad faith of the Nicaraguan government with reference to that treaty,[1] you will not present your credentials there until you shall ascertain that it has been ratified.

The advantages which have heretofore accrued to those of our citizens who enjoyed the exclusive privilege of carrying passengers between the two oceans by the route indicated, have made that privilege a matter of eager competition. The passage is now suspended and this Department has not the means of determining even if it had the right, what company, if any is entitled to it, under contract with the Nicaraguan government. This Country has no other interest in the subject than that good faith should be preserved and the route be kept open and efficiently maintained upon reasonable terms and conditions. We do not undertake to judge between the rival candidates urging their claims as grantees of the State of Nicaragua, but we ask justice for all of them, and we cannot permit contracts fairly entered into to be made void by the mere arbitrary act of one of the parties. The established views of your Government on this subject, are fully set forth in my letters to Genl Lamar of 2nd January, and of 25 July 1858,[2] copies of which you have already received. You will use your best efforts to carry into effect the instructions contained in those letters unless subsequent circumstances have rendered them inapplicable.

In repeated conversations with General Jerez, the late Minister of Nicaragua to this Country, I took occasion to inform him that this Government

be no objection on the part of his Government to this course, but that, on the contrary, it would be desirous to render any aid in its power, to make it wholly successful. I trust that in these replies General Jerez correctly stated the views of the Nicaraguan government, and that the authorities there will be instructed to facilitate, as far as possible, the transmission through that Country, of the mails of the United States.

Inasmuch, however, as a contract for their transmission by the Nicaraguan route has now been completed by the Post office Department, and will soon be put into practical operation, I think it proper you should communicate this fact to the Government of Nicaragua, in order that no misapprehension may exist on the subject, and no interruption which can be avoided may occur upon the passage. The person with whom the contract has been made, is Mr. Daniel H. Johnson of New York, and the service is to commence on the first day of October next. It is a part of the arrangement with the contractor that the mails shall have all necessary protection on their way to the Pacific. It is hoped that the transit will be found sufficiently secure under the protection of the Nicaraguan authorities, but should this hope prove fallacious, this Government will be obliged to provide the additional aid which may be found requisite.

The President had indulged the expectation, that the government of Nicaragua was disposed to deal fairly and impartially with the grave interests involved in this passage from Ocean to Ocean. But within a few days this Department has been put in possession of a decree issued by the President of that Republic, which has shaken the confidence of this government in the Nicaraguan authorities, and which will need much explanation before that confidence can be restored. And unfortunately the impression first produced upon the receipt of the decree has been confirmed by information which has reached here to-day and which discloses proceedings on the part of those authorities irreconciliable with their previous solemn assurances, as well as with our just expectations.

The decree of the Congress of Nicaragua of March 24, 1859, contained a declaration purporting to annul what is known, as the Stebbins contract. The objections of this government to such a high handed act in violation of the principles of justice are known to the government of Nicaragua and we peremptorily deny the validity of this decree of confiscation. With this exception, the legislative decree professing to provide for the security of the freedom and equality of the communication, had it provided also the protection of vested rights would have been commendable in itself and alto-

and unreasonable regulations inconsistent with the authority by virtue of which he assumed to act, and destructive of the freedom and equality of the routes; and I may add incompatible with the rights and interests of the United States. A copy of each of these decrees is enclosed herewith—(A & B).[1]

Should the pending treaty between the United States and Nicaragua be ratified by the proper authorities of both of these Republics, this government will of course claim the faithful observance of all the stipulations it contains, concerning those lines of communication. The right of Nicaragua to establish and regulate the routes, is recognized in the treaty and the limitations necessary to prevent its abuse were agreed to by the parties. It was hoped and expected, that thereafter the difficulties, which had so often threatened the most serious consequences to the two States, would be prevented by an honest and open policy, which would secure to all nations the equal and unobstructed use of these routes without burdensome restrictions.

When, therefore, Genl Jerez informed this government that Nicaragua was prepared to abandon the system of exclusive grants and to substitute in their stead a plan of general competition, the proposition was regarded with much favor, and our concurrence in the measure was readily engaged upon the principles I have already stated. The anti-monopoly decree of the Congress of Nicaragua, as soon as it was known here, was looked upon as the confirmation of the assurance we had received, and as the inauguration of a new and better plan of operations. But this expectation was shown to be illusory, when the decree of the President, with its arbitrary and oppressive regulations reached this Department. After gravely announcing, that the transit from Ocean to Ocean is free to all the nations of the world, that instrument declares, that "Passengers and merchandise shall only be conveyed by companies or by individuals, who may obtain a patent from the government." And what is the object of this extraordinary requisition? The patent or grant or permission becomes a necessary preliminary to the commencement of the business of transportation. Is it a right which each individual or company may demand, or is it a favor to be granted or refused at the will of the Nicaraguan authorities? If the latter position is to be assumed in what respect will the freedom or equality of the roads, which was promised by the Congress, be better provided for, or their use rendered more advantageous to commercial nations, by this professed change in the control of the government? Heretofore these routes could only be established by public grants, and hereafter a public grant will be equally necessary for the same purpose. It is hazarding little to anticipate, that a pecuniary consideration will be required in each case, for the issuing of a patent, tho'

upon their face enumerate the terms to which all applicants must conform.

If, on the other hand, the patent may be demanded by every one as a matter of right the object of his Executive decree is equally inexplicable. In practice it could not fail to be a vexatious interruption uncompensated by a single advantage. No bond is required nor any security by which a guarantee would be furnished for the proper conduct of the applicant. In that respect whether his patent is a right or a favor, he is left to the requisitions of the decree and his responsibility rests upon the validity of that instrument and upon his own conduct, and is just as well secured without a patent as with it.

There is another provision in this same decree, which has equally arrested the attention of this government and equally excited its surprise. It is declared, that each individual or company, obtaining a patent shall "use the route which the government may designate" and "shall have for the transit from ocean to ocean the exclusive use of the route, which is assigned to them."

It is difficult to believe, that any government could establish such a regulation with the least expectation that it would be observed. The passage is declared free and equal to all the world, while in a narrow section of Country between the head of Lake Nicaragua and the ocean, every person desirous of engaging in the business of transportation is required to possess his own route, to construct his own road, and to enjoy its exclusive use. The project is simply impracticable to any considerable extent and for any useful purpose. Had there been any desire or design that a fair competition should take the place of exclusive privileges, it would not have been difficult to accomplish the object in some degree by providing for the common use of routes by different persons, upon the payment respectively of a just proportion of the expense of construction, under such regulations as might be necessary to prevent injury and injustice.

With a full knowledge of all these circumstances, what justification can the authorities of Nicaragua offer for this attempt to make the world believe, that the system of exclusive enjoyment was about to cease, and that every applicant come whence he might, would hereafter find a convenient route at his disposition, and arrangements provided for its use and properly adapted to the circumstances?

Even without the confirmation furnished by subsequent events no man could fail to perceive, that the practical result of the new system of intervention announced by the President of Nicaragua would be the introduction of a plan of favoritism to which the interests of Commercial Powers in the passage of the Isthmus would be sacrificed, and it is impossible to avoid the

one can doubt that additional contributions would have to be furnished, before success in the enterprise could be assured. Without that efficient motive of action there would be found ready excuses for withholding the transit patent, or if granted convenient means for rendering it worthless. And in the designation of routes, depending wholly on the will of the government, who could expect a good one, a practical one indeed, until he was prepared to make a similar powerful appeal.

Unfortunately these views are not mere speculations, for they have been confirmed by the information alluded to received at the Department to-day and which furnishes a practical illustration of the working of the present system, and at the same time a striking commentary upon the objects of those who are endeavoring to introduce it.

A contract has been entered into with M. Belly, and an associate, for which it is understood they are to pay the sum of forty thousand dollars and by which they are to enjoy the exclusive right of way from Virgin Bay to San Juan del Sur. This is the route, and it is officially reported to be the only existing practicable one which was formerly occupied by the American companies. The road was constructed and the improvements along it made by American citizens, whose property has been thus arbitrarily seized without judicial trial or condemnation. It is also known, that this unjustifiable proceeding is already producing its natural result. Means are resorted to in order to prevent the grant of a route to any other applicant and it may be that without the interposition of some other nation those means may prove successful, and rival enterprises be defeated by this reprehensible scheme, and thus the hope of extensive competition upon reasonable terms confidently held out by the Legislative declaration be at once destroyed.

In the meantime this great international highway is in a lamentable condition. It has long been interrupted, is now useless, out of repair, closed in fact, and with little prospect so far as this government is informed of its being put into a proper state of repair, and occupied by any Company able and prepared to transport passengers and mails along it. We have no reason to anticipate that M. Belly and his associates will soon be ready to accomplish the object. What with the present mode of controlling the right of transportation, and with the assumed claim of the government of Nicaragua to annul contracts at its pleasure, it is not easy to see how this intercourse is to be rendered of any value to the world, unless some other nation should interfere with firmness and power. This government is sufficiently warned, both by the past and the present, that such is now its mission, if it is not willing to abandon the vast interests, both commercial and political which render this communication far more important to this Country than

they may enter into, and to protect such lines of intercourse as the interests of the United States may seem to him to require. And I renew to you the assurance by his direction, that the measures contemplated have not been determined upon, in order to secure any particular advantages to this Country, nor to evade the observance of any useful regulations, consistent with the views herein set forth nor the payment of any just and reasonable demands which Nicaragua may make in her sovereign capacity. The President has given so many proofs of his friendly disposition towards that Republic, and has interfered so effectually to enforce for her protection the neutrality laws of the United States that his views upon this whole matter cannot now be justly questioned. You will communicate these intentions to the government of Nicaragua, and you will particularly make known to it that the arrangements which were made with the knowledge and the approbation of Gen[l] Jerez for the transportation of the mails of the United States across the Isthmus and made before the obnoxious Executive decree was promulgated, will be carried into effect without any regard whatever to conditions subsequently imposed.

This decree contains also various other provisions some of which are objectionable upon the face of them, and tho' others are not apparently so, owing perhaps to the circumstances not being fully known to us, still all of them are referred to your consideration and examination, and you are requested to look into them, and to report the result of your investigations to the Department. This information may be hereafter useful in any proceedings it may be found necessary to adopt. But you will immediately announce to the government of Nicaragua that the United States so far as respects their government and citizens deny the validity of the decree of the Executive of that Country and if necessary will oppose its execution.

But at the same time you will express the hope of the President, that the injustice of the present state of things may be realized by Nicaragua, and that measures may be promptly adopted, which will remove the existing difficulties between the two countries, and prevent their recurrence. Impress on the proper authorities how injudicious and useless it is for Nicaragua to waste her energies, and bring upon herself the condemnation of Christendom by vain endeavors to convert her local position into the means of preventing the union of the two great oceans which are separated by a narrow territory, over which she happens to possess jurisdiction. A wise and liberal policy, facilitating instead of obstructing the communication would be

other Powers and would secure her from any foreign intervention within her borders.

From your experience and general qualifications, the President anticipates that a suitable impression will be made upon the authorities and people of the region to which you are about to proceed in regard to the friendly views and intentions of this government. We have no other desire than that they may be peaceable, prosperous and happy. This can only result from confidence, good will and mutual forbearance not only among themselves but with regard to foreign countries and especially the United States.[1] . . .

A memorandum has been prepared and is annexed to this despatch,[2] which contains information, that may be useful in the performance of your duties. It explains not only the present position of the United States with relation to the pending Central American questions but it also reviews the origin and course of the controversy we have maintained with Great Britain touching them.

I am, Sir, Your obedient servant.

P. S. Since closing the foregoing despatch, information has been received from Mr. Molina, the Chargé d'Affaires of Nicaragua, that the treaty between that Republic and the United States has been ratified by its [the Nicaraguan [3]] government, omitting the clause, to which we have heretofore objected.

. . . . .

Memorandum for Mr. Dimitry to accompany General Instructions of August 31, 1859

You are aware that difficulties growing out of the Clayton-Bulwer treaty have arisen between this Country and Great Britain. These concern Central America, and are owing, as the United States contend, to the palpable disregard by Great Britain of the words of that treaty and the substitution of a construction entirely inconsistent with them, and which would give to Great Britain advantages in that quarter to which this country would not accede. After much delay and prolonged discussions, the British government proposed to adopt substantially the construction we contended for and to carry out the treaty in that spirit. To this the United States assented, and a conventional arrangement was negotiated for that purpose. The points principally at issue were

[1] The omitted portion deals with claims of United States citizens.

[2] It follows this instruction.

2. The establishment of the South Western boundary of the Belize settlement.
3. The condition of Ruatan and the other Bay Islands.

These questions were satisfactorily settled in a Convention, which received ratification by the proper authority of both governments, but the measure ultimately failed in consequence of their disagreement upon another question.

After this the British government proposed to form treaties with the Central American States, interested in these points, and to adjust the various matters with them upon the basis which had been approved by the United States, and which would leave to Great Britain no other possessions in Central America, but the Belize settlement. To this proposition also the United States gave their assent, and since that time we have been earnestly looking for the adjustment of these complicated difficulties. It is known that the Belize boundary has been settled by a Convention between Great Britain and Guatemala, which carries it to the Sarstoon river, an important extension of that settlement to which the United States were led to agree in the Convention with Great Britain, which failed, as I have stated, because that arrangement of boundary was also accompanied by the arrangement of the other subjects in dispute. Without such settlement of the whole matter, this Country would not have assented to this boundary adjustment. In the progress, however, of the controversy, this extension has been secured by Great Britain, while the other stipulations requiring from her an abandonment of territory have been left unadjusted. I am satisfied that the course has been the result of accident and that the British government is striving to fulfil its engagements in good faith. But you understand the dissatisfaction which the failure to arrange these subjects has occasioned in this country and will therefore appreciate the anxiety of the government, that prompt action should immediately take place, and this whole difference be brought to a satisfactory conclusion. I have entered into these details solely with a view to ensure your zealous and efficient coöperation, not indeed by official interference, but by fair representations, in conversation, to the British Minister in Nicaragua and the government of that Country and by efforts to remove such difficulties as may arise and especially by communicating to them the strong desire of the United States for a prompt arrangement of the controversy.

During some months a British Minister has been in Nicaragua with instructions from his government to enter into a Convention for the adjustment of these conflicting views, and it is understood that the basis of the proposed settlement is acceptable, both to the government of Great Britain

upon goods imported into San Juan, and intended for consumption there. What difference of opinion in the details of this plan has prevented its being carried into effect is not known here, tho' it is known that some difference has occurred which has thus far delayed the arrangement. By looking over the documents in the Department which relate to this subject you have ascertained the various points to which the United States have assented, and which it is expected will be assented to by the parties interested. On your arrival in Nicaragua you will endeavor to learn the true state of this matter, and report the result of your enquiry without delay. And at the same time you will strive to remove any difficulties which may stand in the way of a satisfactory negotiation. The British government has been urged to give such orders to its Minister, as will insure his most zealous efforts to accomplish the object. We have been assured that this shall be done, and I am firmly persuaded that that government is desirous that the proposed arrangement be carried immediately into effect. The arrangement will be followed by the withdrawal of the British Power from every part of Nicaragua and the recognition of the sovereignty of that State over every part of its territory.

An accident, which has been satisfactorily explained has prevented the opening of negotiations between Great Britain and Honduras for the surrender of the Bay Islands to the latter Country. We learn, however, that measures are in progress for the accomplishment of this object, and upon terms which the United States deem reasonable. It is to be hoped that few months will be sufficient to complete the work of adjustment.

1120

Lewis Cass, Secretary of State of the United States, to Luis Molina, Chargé d'Affaires of Nicaragua at Washington [1]

WASHINGTON, *September 7, 1859.*

SIR: I have the honor to acknowledge the receipt of your note of the 30th. ultimo [2] informing me that despatches had reached you from the Minister of Foreign Relations of Nicaragua announcing the ratification by the Congress of that Republic on the 25th. July last, of the Lamar-Zeledon Treaty of

[1] Notes to Central America, vol. I.

[2] See below, this volume, pt. II, doc. 1513.

16th March omitting in said ratification the obnoxious clause at the end of Article XVI. objected to by this Government.

I avail [etc.].

1121

Lewis Cass, Secretary of State of the United States, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [1]

No. 3 WASHINGTON, *September 22, 1859.*

SIR: In the memorandum accompanying the instructions you received, dated the 31st ultimo [2] a brief review was given of our relations with Great Britain arising out of the Clayton-Bulwer treaty, and the general course indicated; which it was thought expedient you should pursue. At that time we had not been furnished with a copy of the Ouseley-Zeledon treaty, and did not therefore know precisely, what terms had been offered by the British Plenipotentiary to Nicaragua tho' we knew, that these were not entirely satisfactory to that Republic, and that much delay had been the consequence, which was accompanied with danger of a failure of the negotiation. Since then we have received from Mr. Runnells our Consul at San Juan del Sur a copy of the proposed treaty, which was communicated to him by Mr. Zeledon, with the expression of a wish that the government of the United States would offer any suggestions to that of Nicaragua in relation to the adjustment of the Mosquito question, intimating at the same time that no definitive action should be taken till our views were received. The specific objections to the British project were not however made known to us. Since your departure the British government has again given us such assurances as to their desire to terminate these Nicaraguan difficulties, by a just and satisfactory arrangement with that Republic and in conformity with the principles, which had been approved by this government that I indulge the confident expectation, that the present effort will be successful and future difficulties be prevented.

You will express to the Minister of Foreign Affairs our gratification at the confidence exhibited towards the United States, and the assurance that our best efforts shall be devoted to a termination of the existing difficulties between Great Britain and Nicaragua upon terms honorable and just to both parties. You are at liberty also to submit to Mr. Zeledon a copy of such portions of this letter, as you may consider expedient, that the views of the

corresponding feelings and friendly sentiments avowed by the British government. It is not less desirable that you should cultivate the best relations with the British Minister, and should also explain candidly to him the objects of your government and the conciliatory course you are pursuing.

When it was found difficult for the government of the United States and that of Great Britain to conclude a satisfactory treaty for the arrangement of the various subjects growing out of the Clayton-Bulwer treaty, the British government proposed to make separate treaties with the several States of Central America, interested in the adjustment of these matters. To this proposition this government assented, with the understanding that the terms should in their general purport be in conformity with the principles, which this government had approved, and which had been fully discussed between us and the government of Great Britain.

I have carefully examined the proposed treaty, offered by the British Minister to Nicaragua, a copy of which accompanies this despatch,[1] and have compared it with that part of the amended Dallas-Clarendon treaty [2] which relates to Nicaraguan affairs, and I find that with one or two exceptions they are substantially the same. The Dallas-Clarendon treaty in some of its Nicaraguan provisions was modified by the Senate, and in this modified form was submitted for the approbation of the British government. That approbation was withheld, not on account of the changes made by the Senate in this part of the treaty, but on account of provisions contained in the same instrument, which had relation to the Bay Islands. You will find herewith a copy of the Dallas-Clarendon treaty, and you will find in parallel columns the same treaty with the changes proposed by the Senate. The British government assured us, that none of these changes was so unacceptable to it, as to lead it to refuse its ratification, and in May 1857 Lord Napier presented for joint action the projet of a Treaty, containing precisely the arrangements and stipulations, as approved by the Senate.[3] We have a right, therefore, to expect that this modified treaty should now be offered to the Nicaraguan Government, instead of the Treaty, in its original form, as appears to have been proposed by Sir William Ouseley.

There is no reason to suppose that the Government of Her Britannic Majesty having signified their acceptance of the Senate modifications to the Dallas-Clarendon Treaty, in all that relates to Nicaragua and the Mosquito question, will now interpose any objection to the conclusion of a similar

[1] Not included in this publication.

[2] This treaty, followed by the amendments proposed by the Senate, is below, vol. VII, pt. II, containing Communications from Great Britain.

[3] These two documents are identical, except for the following addition regarding the Bay Islands, in the second and separate article of Lord Napier's projet: "whenever and so soon as the Republic of Honduras shall have concluded and ratified a Treaty with Great Britain

Government. You will communicate these views unreservedly to the Nicaraguan Government and should the offer made to it be of the character just indicated, as this Government cannot doubt it will be, you will, on the part of the United States, advise that it be promptly accepted. You will, also, make known your course to the British Minister in Nicaragua.

I am, Sir, your obedient servant.

1122

Lewis Cass, Secretary of State of the United States, to Luis Molina, Chargé d'Affaires of Nicaragua at Washington[1]

WASHINGTON, *September 27, 1859.*

SIR: I have the honor to acknowledge the receipt of your note of yesterday[2] transmitting a copy of the decree of the Nicaraguan Government, of the 26th. July last, ratifying the Lamar-Zeledon Treaty of March last, with the modification proposed by this Government.

In expressing the satisfaction with which this announcement is received, I have to inform you that the Treaty referred to will, at the approaching meeting of Congress be submitted to the Senate for its approval, and when it shall have been obtained it will be immediately ratified and promulgated.

I avail [etc.].

1123

Lewis Cass, Secretary of State of the United States, to Beverly L. Clarke, United States Minister Resident to Honduras and Guatemala[3]

No. 6 WASHINGTON, *October 1, 1859.*

SIR: This Department has received information that Mr. Wyke, Her Britannic Majesty's Chargé d'Affaires in Honduras, has recently returned from London to his official duties, with instructions to negotiate a Treaty with the government of that country for the relinquishment to that Republic of the Bay Islands. Under these circumstances, the President thinks it very desirable that you, also, should be present in Honduras in order to be able to render all suitable aid within your power, to promote the contemplated cession, as well as to be in a position to furnish early and reliable information to your Government with respect to the progress and results of the negotiation. You will embrace the earliest opportunity, therefore, to proceed to Comayagua and place yourself in communication with the Government there.

[1] Notes to Central America, vol. 1.

United States and Great Britain. In the opinion of this Government, those islands are a part of the territory of Honduras and their occupation by Great Britain would have been wholly unjustifiable even if the Clayton-Bulwer treaty had never existed. By the terms of this Treaty, however, (of July 5th 1850) it is provided that "the Governments of the United States and Great Britain, neither the one nor the other, shall ever occupy, or fortify, or colonize, or assume or exercise any dominion over Costa Rica, Nicaragua, the Mosquito shore, or any part of Central America." There being no doubt that the Bay Islands form a part of Central America, their occupation by Great Britain was distinctly prohibited by this provision of the Clayton-Bulwer Treaty.

Yet they were seized upon by British Officers, almost as soon as the Treaty had been signed, and in less than two years afterwards, they were formally erected into a British colony. Of course, the Government of the United States lost no time in protesting against this violation of the Treaty, and the correspondence to which it led is already in your possession. In 1856, the two Governments endeavored to adjust all the questions which had arisen under the Convention, by a supplementary Treaty, and such a treaty was signed at London by Lord Clarendon on the part of Her Britannic Majesty and Mr. Dallas, on the part of the United States on the 17th. October 1856.[2] That portion of it which referred to the Bay Islands, was in the following words:—"That the islands, and their inhabitants, of Roatan, Bonaca, Utila, Barbaretta, Helena and Morat, situate in the Bay of Honduras and known as the Bay Islands, having been by a convention bearing date the twenty-seventh day of August, 1856, between her Britannic Majesty and the republic of Honduras, constituted and declared a free territory under the sovereignty of the said republic of Honduras, the two contracting parties do hereby mutually engage to recognize and respect in all future time the independence and rights of the said free territory as a part of the republic of Honduras." The treaty here referred to, of August 1856, had not been communicated to this Government and was not officially before the Senate when it had under consideration the Dallas-Clarendon Treaty. It declined, therefore, to sanction a reference to it, which might be construed afterwards into an approval of its terms. The treaty, moreover, had been published in some of the public Journals, and its provisions were not such as this Government could sanction. It erected the islands into "a free territory

[1] See above, this part, doc. 1094.
[2] See below, vol. VII, pt. II, containing Communications from Great Britain.

Republic of rights without which its sovereignty over them could scarcely be said to exist. It separated them from the remainder of Honduras, and gave them a Government of their own, with their own Legislative, Executive, and Judicial officers, elected by themselves. It deprived the Government of Honduras of the [taxing] [1] power in every form, and exempted the people of the Bay Islands from the performance of military duty, except for their own defence; and it prohibited the Republic from providing for their defence by the construction of any fortifications whatever. It provided, moreover, that slavery should at no time be permitted to exist in those islands. As slavery had never existed there, and was not likely to be established there, this latter clause was wholly unnecessary, and when brought to the attention of the United States, could not fail to be regarded as highly offensive. But the restrictions were, all of them in violation of the rights of Honduras. The islands were a part of her territory and Great Britain having wrongfully seized them, was bound to make an unconditional restoration. Instead of doing this, she required Honduras to assent to a treaty by which they were erecting [erected?] into an independent State within her own limits, and a State at all times liable to foreign influence and control. Entertaining this opinion, the Senate amended the Dallas-Clarendon Convention, by substituting for the clause already quoted the following:

"The two contracting parties do hereby mutually engage to recognize and respect the islands of Ruatan, Bonaca, Utila, Barbaretta, Helena and Morat, situate in the Bay of Honduras, and off the coast of the Republic of Honduras, as under the sovereignty and as part of the said Republic of Honduras."

Great Britain declined to assent to this amendment, and the Dallas-Clarendon Treaty fell to the ground. The British treaty with Honduras, also, failed to be ratified by that Republic; and thus the Clayton-Bulwer Convention, according to our construction of it, still remained unexecuted.

To avoid the difficulties which this state of things was likely to produce, the British Government proposed to send out a special Minister to Central America, who might adjust the questions which had been under discussion in that quarter, by separate treaties with Nicaragua, Guatemala and Honduras. For this purpose, Sir William Gore Ouseley was appointed, and came to Washington, on his way to his destination, in November 1857. While he was here, and even before his arrival, Lord Napier, the British Minister in this country, conversed very freely with the Department concerning his instructions, and had also one or two conversations on the subject with the President. In these conversations it was clearly understood that Her Majesty's Government had determined to execute the Clayton-Bulwer treaty "according to the general tenor of the interpretation placed

would be sufficient to enable him to accomplish this purpose. Reference was made, indeed, to the Dallas-Clarendon treaty as amended by the Senate, but it was understood that the special minister would be at liberty to modify some of its provisions in order to make it acceptable to the United States. On the 30th. of November, Lord Napier communicated officially to the Department [1] a general statement of Sir William's instructions. That part of them which refers to Honduras, is described, as follows:

"1. The transfer of the Bay Islands to the government of Honduras was recognized by the Treaty of 1856, mentioned above, and the conditions of this cession were consigned in a Treaty between Great Britain and Honduras which has been communicated to the government of the United States, but which has not been ratified by the contracting parties. By that Treaty Her Majesty's Government intended to convey the Islands in full sovereignty to the Republic of Honduras but to provide for them such a measure of municipal independence and self government as might secure Her Majesty's subjects in the enjoyment and improvement of their possessions, and develope the resources of the Islands which may be destined to attain hereafter, some commercial importance as an entrepot in connection with the projected interoceanic Railway.—In looking to these reasonable and salutary ends it is, however, probable that the intervention of the Honduras government in the administration of the Islands may have been more limited than was necessary or even advisable. Her Majesty's government in relinquishing the Bay Islands are far from desiring that they should remain defenceless or become independent.—Sir William Ouseley is not bound down to the terms of the original treaty; he is at liberty to contract engagements with Honduras which shall embody not only an unmistakeable recognition of its sovereignty over the Islands, but shall allow of the more direct government and more efficient protection of the latter by that Republic. The transfer of the Islands will not be unconditional but it will be unambiguous. The government of Honduras will obtain not only a titular but a virtual and useful possession under provisions requisite for the security of those who have settled there with the assurance of protection from the British Crown, and favorable to the expansion of that traffic which the Transit Route is expected to create.

"2. In framing stipulations for the compensation, the government, and the preservation of the Mosquito Indians under the sovereignty of Nicaragua, Sir William Ouseley will be guided by the provisions of the Treaty of 1856, which although it did not acquire the validity of an international engagement may on this point be held to express the policy and opinions of the contracting parties.—The limits of the territorial reserve may be sub-

[1] See below, vol. VII, pt. II, containing Communications from Great Britain. See the same,

ject to modifications, but the boundaries proposed to Nicaragua and Honduras will certainly not be less favorable than those indicated by the Treaty alluded to, they will in no degree trespass on the territory applicable to Transit purposes, and in the settlement of details Her Majesty's Envoy will grant an indulgent consideration to the wishes and necessities of the Central American governments where they are compatible with the safety and the welfare of those native Tribes which have previously enjoyed the protectorate of the British Crown.

"3. The regulation of the frontier of British Honduras will be effected by negotiation with the Government of Guatemala. Her Majesty's government trusts to obtain from this Republic a recognition of limits, which if we may judge from previous communications on this subject may be accepted in a spirit of conciliation if not with absolute approval by the President."

Although this statement of the instructions was not accompanied by any draft of a Treaty, and was not sufficiently specific to authorize an accurate judgment of their character, it was nevertheless hoped that they might be quite sufficient to answer their purpose. In reference to the views and expectations of the United States, there could be no doubt whatever, because, apart from the action of the Senate concerning the Dallas-Clarendon treaty, these views and expectations had been repeatedly expressed to the British Minister both orally and in writing. It was known that while it was quite immaterial to us, whether Great Britain executed the Clayton-Bulwer Treaty by a supplementary Convention with us, or by direct negotiation with the States of Central America, we yet expected that the Treaty would be executed substantially according to our construction of it; and that, with reference to the Bay Islands, this construction required their unconditional surrender to Honduras. Of course, this Government could never sanction any such limitations upon the sovereignty of that Republic over its own territory, as were contained in the Dallas-Clarendon Convention, and the clause in respect to slavery was not only an unjust condition in regard to Honduras, but was, also, offensive, under the circumstances to the United States. It was believed that the cession might well be made without any of these conditions, and that if any security should be really necessary to preserve the rights of British settlers upon the islands, it might safely be postponed to a new Convention, when both parties should be in a situation to treat upon equal terms. Whether Sir William Ouseley would have conformed to these views, if he had made a Treaty with Honduras, can only be conjectured from what we know of his instructions. Unfortunately, he delayed a long time in Washington, and since his arrival in Central America, either from sickness or from some other cause, he has wholly failed to accomplish the object of his mission. Mr. Wyke, who negotiated the previous

William Ouseley. He is now, perhaps, in Guatemala, but will soon proceed to Honduras, and it is hoped that you will be able to coöperate with him in the leading purpose of his mission. This narrative has fully explained to you the views of your Government upon the subject, and if in conformity with these views, you can in any way assist Mr. Wyke in his negotiation, you will not fail to do so. To this end, you should be in friendly relations with him, as well as with the Government of Honduras, and you may frankly state to both, the general expectations which your government entertains in respect to the cession of the Bay Islands. Believing that Honduras is the lawful owner of those Islands, we cannot advise her to purchase their surrender by consenting to any terms which are inconsistent with her dignity and rights. We believe that the surrender of them should be wholly unconditional, but there may be provisions in behalf of private rights, or even for the benefit of general commerce, of so reasonable a character, that their insertion in the Treaty ought not to occasion its defeat, even although they might more properly belong to another negotiation. With what is believed, however, to be the present disposition of the British Government, and with the liberal margin of discretion with which Mr. Wyke is supposed to be entrusted, it is hoped that the cession will not be encumbered with any stipulations to which either the United States or Honduras might reasonably take exception. It is important that the Treaty should be completed, if possible, so that it may be known in Washington at an early day after the meeting of Congress. You will, therefore, communicate a copy of it to the Department at the earliest practicable period, and your Government will then determine for itself whether its provisions can be regarded as a reasonable compliance in respect to Honduras with the Clayton-Bulwer treaty. I will thank you, also, to inform the Department of your departure from Guatemala, and of your arrival in Comayagua, and generally of the course and progress of the negotiation.

Your despatches to Nº 12 inclusive [1] have been received.

I am, Sir [etc.].

1124

Lewis Cass, Secretary of State of the United States, to Luis Molina, Nicaraguan Chargé d'Affaires at Washington [2]

WASHINGTON, *October 4, 1859.*

SIR: I have had the honor to receive the note which, under instructions, you addressed to me on the 27th. ultimo,[3] announcing a sudden change in

[1] Clarke's despatch No. 12 was not included, as it was not pertinent to the subject-matter

lar movements, and communicating the earnest desire on the part of the provisional authorities, of whom Don Jose Maria Montestegre has been named chief, to preserve and strengthen the bonds of friendship which happily unite Costa Rica and the United States.

I sincerely hope that the good results which have been anticipated in this movement will be completely achieved and I assure you that you will always find this Government ready to coöperate with that of Costa Rica in any measures which will promote the harmony and good understanding of the two Countries.

I avail [etc.].

1125

Lewis Cass, Secretary of State of the United States, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica[1]

No. 6 WASHINGTON, *November 2, 1859.*

SIR: Your despatches numbered 1 and 2, dated, respectively, 19th. and 29th. September[2] were received on the 29th. ultimo.

In regard to your recognition of the existing government at San Jose, Costa Rica, by the presentation of your credentials, I have to remark that I perceive no reason for questioning the propriety of the course you felt called upon to adopt. From your own representations, as well as from other sources of information, it appears that the government which you found in the exercise of authority at San José was generally acquiesced in, and was, indeed, a *de facto* administration. It was therefore entirely proper, and in accordance with the established usage of this Government that it should be recognized by our diplomatic agent.

Having learned that you would probably meet Mr. Wyke on your way to Costa Rica, the Department entertained the hope that you might be able in your first despatch to communicate some information with respect to the progress and probable termination of the Central American negotiations with which that gentleman is understood to be charged. A treaty is known to have been made by Great Britain with Guatemala, which confines the British claim to the territory between the Sabine and the Sarstoon Rivers. This arrangement, in the Dallas-Clarendon treaty,[3] was connected with two other arrangements, one of which terminated the Mosquito Protectorate and the other of which relinquished the Bay Islands to Honduras. Mr. Wyke has been instructed, as this Government has been assured by that of Her Britannic Majesty to carry into effect the latter arrangements as well as the

[1] Instructions, American States, vol. 16.
[2] See below, this volume, pt. II, docs. 1514 and 1516.

unnecessary delay. After what was said to you in the memorandum accompanying your general instructions,[1] I need not repeat to you how deeply important it is in view of the approaching session of Congress, to secure an early adjustment of these Central American questions, which, you are aware, have been long delayed already, and have sometimes appeared to threaten serious injury to the friendly relations of the United States and Great Britain. You will not fail to promote this adjustment upon the principles contained in your instructions, by all proper means within your reach, and you will lose no opportunity of communicating to your Government any information concerning them which you may be able to obtain.

I am, Sir, your obedient servant.

1126

Lewis Cass, Secretary of State of the United States, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica[2]

No. 8 WASHINGTON, *December 2, 1859.*

SIR: Your despatch Nº 4 of the 31st October[3] was received on the 23d ultimo—A steamer since arrived, brings no later communication from you.

The Department awaits with solicitude the intelligence of your arrival in Nicaragua—whither it is presumed you have gone before this time—and the result of your coöperation with Mr. Wyke in the common objects with which you are both charged. We have reason to believe that the Government of Great Britain are, equally with ourselves, desirous of arranging the questions at issue in Central America in a manner just and satisfactory to all the parties in interest, and we trust that you will be enabled at a very early day to report such a result.

I am, Sir, your obedient servant.

1127

Lewis Cass, Secretary of State of the United States, to Beverly L. Clarke, United States Minister Resident to Honduras and Guatemala[4]

No. 8 WASHINGTON, *December 2, 1859.*

SIR: Your despatch Nº 14 of the 15th. October, ultimo,[5] was received yesterday.

[1] See above, this part, doc. 1110.

[2] Instructions, American States, vol. 16.

cated as the most consistent with their mutual views, and to lead you to protest against negotiations which were in harmony with the understanding of the subject entertained here and at London. The despatch of 1st October last,[1] which you have received, enabled you so to modify your course, as to correct the misapprehension which your protest and correspondence were likely to excite on the part of the governments of Guatemala and Honduras; altho' in communicating the views of your Government expressed in that despatch it is to be regretted that the historical summary embodied in it for *your* information, was transferred so literally to your note of the 9th. November, to Mr. Wyke.[2]

In making these observations which I do equally in a spirit of frankness and kindness I do not wish to be understood as censuring you for adopting a course which is not entirely approved. On the contrary I am pleased to be permitted to say that the President highly appreciates that zeal for the interests of your country which prompted you to adopt energetic measures when you thought those interests were in jeopardy. The patriotism of your conduct cannot be questioned, nor the integrity of your purposes doubted.

I am, Sir, your obedient servant.

1131

Lewis Cass, Secretary of State of the United States, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica[3]

No. 13 WASHINGTON, *March 2, 1860.*

SIR:—Your despatch of the 30th January unnumbered,[4] was received yesterday.

After the perusal of that communication—necessarily a cursory one from press of other duties and the brief time left before the departure of the Steamer—but one or two points arrested my attention as seeming to require immediate reply.

One of these is the Treaty between Great Britain and Nicaragua, signed by Mr. Wyke and the Nicaraguan Plenipotentiary on the 28th. January, of which you have sent a copy of the most important articles.[5]

I have not had time to compare the provisions of this Treaty with the principles of adjustment agreed upon by this Government and that of Her Britannic Majesty as mutually acceptable. I will not fail however to bestow proper attention upon it, with a view to such representations as the

[1] See above, this part, doc. 1123.
[2] See note 4 to Clarke's No. 15, below, this volume, pt. II, doc. 1529.
[3] Instructions, American States, vol. 16. [4] See below, this volume, pt. II, doc. 1540.

it without particular instructions.

Another point upon which I desire to offer a remark is the condition of our Treaty with Nicaragua; which you presume this government will consider "under the form of ratification which the Congress of Nicaragua has set to it in no other light than that of *re infectâ;*" and to remedy this condition you propose sub spe rati foederis to sign a treaty nulling the obnoxious clause to be submitted to the extra session of Congress.

I have to assure you that the form of ratification by Nicaragua of the Treaty in question had not been overlooked either by the President or this Department. But no sufficient grounds were perceived for withholding so important a Convention from the consideration of the Senate, because of any immaterial informalities. You will therefore abstain from pursuing the course which occurred to you as proper and necessary, until instructions to that effect shall have reached you.

In conveying this intimation to you the Department desires that you may understand its high appreciation of the watchful zeal for the interests of your Government which prompted the suggestion you have made.

In a separate despatch of this date [1] I have said all that seems necessary at this moment in reference to the transit question, and the rights of our citizens in Nicaragua.

I am, Sir, your obedient servant.

1132

Lewis Cass, Secretary of State of the United States, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [2]

No. 14 WASHINGTON, *March 3, 1860.*

SIR: It is evident from what you have said in your despatch of the 30th. January,[3] that, in your interviews with the Nicaraguan Minister of Foreign Relations, you have faithfully represented the views and intentions of this government respecting the protection of the rights of our citizens as connected with the questions of transit. The despatch to you numbered 12,[4] altho' not in your hands at the date of that interview, will, if received, have manifested to you the satisfaction of the Department with your previous representations on the subject, as well as the determination of this government to adhere to the principles laid down in my letter to Gen[l] Lamar of July 25, 1858.[5]

[1] The despatch, in reference to the transit question, below, this part, bears the date of March 3, 1860. The pertinent volume contains no other of March 2, 1860.

[2] Instructions, American States, vol. 16.

[3] See below, this volume, pt. II, doc. 1543.

[4] See above, this part, doc. 1129.

[5] See above, this part, doc. 1100.

I have barely time, this morning, the last available mail day—to invite your attention to the accompanying copies of correspondence between this Department on the one hand, and Messrs Bernard Clover and I. E. Body, of New York, the former marked A-B- and relating to the general rights of our citizens pursuing their legitimate callings in Nicaragua, and the latter relating to the question of transit and the rights of the American Atlantic and Pacific Ship Canal Company.[1]

This correspondence will inform you of the views entertained by this government relative to the duties it owes to its citizens in the circumstances adverted to. You will be governed by the sentiments therein expressed, altho' there are limitations—which your own discretion will suggest to you—in regard to the too literal repetition of some of the language which I have used upon the subject of Executive Power. Those expressions, which seem to be entirely admissible—if not indeed called for, in the relations of the government to its own citizens, especially where momentous interests are involved, might produce upon the Nicaraguan government an effect not only detrimental to those interests but possibly also, they might misguide it as to the ultimate course of this government under certain contingencies.

I am, Sir, your obedient servant.

1133

Lewis Cass, Secretary of State of the United States, to León Alvarado, Special Representative of Honduras to the United States [2]

WASHINGTON, *March 30, 1860.*

SIR: I have the honor to acknowledge the receipt of your note of the 28th. instant [3] announcing your early departure from this country,—the object of your mission hither having been accomplished.

I am sincerely gratified to know that your brief intercourse with this Government has impressed you with a just conception of its earnest sympathies for that of Honduras, and that your personal recollections of your relations with myself will be of an agreeable character. I assure you of the cordial reciprocity of those sentiments on my part, and I offer to you my best wishes for your happiness and prosperity; availing myself [etc.].

[1] Not included in this publication.

[2] Notes to Central America, vol. 1.

León Alvarado was sent by Honduras, as minister plenipotentiary, to the United States, on a special mission of friendship. He presented his credentials on April 16, 1857, and took his departure a few days afterward. He returned on March 9, 1860, and took leave on the 28th of that month.

1134

Lewis Cass, Secretary of State of the United States, to Luis Molina, Chargé d'Affaires of Nicaragua at Washington [1]

WASHINGTON, *April 2, 1860.*

DEAR SIR: Will you be good enough to inform me what is the present condition of the Nicaraguan treaties with Great Britain and France, on the subject of the interoceanic transits. I understand that these treaties contain similar provisions on this subject to those which are contained in the Zeledon-Lamar treaty between Nicaragua and this Government. Please inform me if this is so, and also if one or both the treaties have been approved by the respective Governments who are parties.

Very truly Yours.

1135

Lewis Cass, Secretary of State of the United States, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [2]

No. 15 WASHINGTON, *May 3, 1860.*

SIR: Your despatches from Nº 6 to Nº 14, inclusive,[3] have been received.

In respect to those parts of them which refer to the Transit routes, it is unnecessary to repeat to you the views of the Department. There can be no doubt that you sufficiently understand these views already, and on more than one occasion you have made them known to the Government of Nicaragua. It only remains now to await the further action of that Government.

On the general subject of our claims against Nicaragua, I regret that you have found it impossible to come to a friendly understanding with the authorities there. I am not without hope, however, that this may still be effected. There are some of these claims, whose adjustment cannot be much longer delayed without serious danger to the friendly relations of the two countries. If I correctly understand your communications, you have proposed to make a general Convention, for the examination and decision of all existing claims, no matter what may be their character. For this purpose you seem to have submitted to the Minister of Relations the draft of such a Treaty as you thought might be sufficient. No copy of this draft, however, accompanies your despatches, and I reserve, therefore, any definite expression of opinion concerning its provisions. You will, doubtless, have sent it by another mail, and I have entire confidence that it will meet the approval of the Department. This overture for a treaty appears to have been submitted to the Senate, whose advice concerning it was adopted by the

nary circumstances, when citizens of the United States go to a foreign country they go with an implied understanding that they are to obey its laws and submit themselves, in good faith, to its established tribunals. When they do business with its citizens, or make private contracts there, it is not to be expected, that either their own or the foreign Government is to be made a party to this business or these contracts, or will undertake to determine any disputes to which they may give rise. The case, however, is very much changed when no impartial tribunals can be said to exist in the foreign country, or when they have been arbitrarily controlled by the Government to the injury of our citizens. So also, the case is widely different when the foreign Government becomes itself a party to important contracts, and then not only fails to fulfil them, but capriciously annuls them, to the great loss of those who have invested their time and labor and capital, from a reliance upon its own good faith and justice. It is not necessary to apply these remarks to the case of Nicaragua; but they may well suggest some modification of the general rules presented in the report of the Senate. Without discussing, however, at this time, how far the judicial tribunals of Nicaragua are now entitled to public respect and confidence, or how far the Nicaraguan authorities have committed serious wrongs upon American citizens, I do not hesitate to approve your course in offering to submit all those subjects to the general arbitrament of an impartial commission. This commission might readily itself determine, what claims might fairly be regarded as proper for the judicial tribunals, and what ones were properly in a condition for its own examination and decision. Whether it should meet in the United States or Nicaragua is not important. Nor need there be any difficulty in respect to the claims now existing. A full list of these might readily be furnished, even if they have not, all of them, already been presented to the Nicaraguan Government. In our willingness to adopt the course you have suggested, the Nicaraguan Government ought to see a renewed proof of our friendly disposition. Indeed, it appears to be the only amicable course which is now open to us, consistently with a just regard to the rights of our citizens. Our claims (or the most important of them) are already before the Nicaraguan Government. That Government does not admit their justice and does not provide for their payment. What remains, then, but that they shall be abandoned or enforced or submitted to a fair arbitration?

Before seeing your draft of a Convention, I cannot determine how far you have embodied in it these views of the Department. But I hope that you may find some opportunity of pointing out to Mr. Cortez, how much would be involved in an absolute refusal by Nicaragua to consent to an arbitration.

The appointment of a Minister to confer with you might possibly be advantageous, if the conference was intended only to arrange the preliminaries of the Convention, but there is no probability that it would lead to a final decision of the claims. This, I repeat, must almost inevitably be referred to a commission, unless Nicaragua is determined to force upon us a harsh alternative, which we are sincerely anxious to avoid. Such a commission, sitting in Nicaragua, of undoubted impartiality, with a full control over all the existing claims, would be likely to do justice and ought to be acceptable to both countries. If necessary, the list of claims might be agreed upon in advance, and furnished to the Nicaraguan Government. But there must be an early end to these difficult questions, and Nicaragua ought not lightly to neglect the opportunity of bringing them to an amicable termination. I shall be glad to hear definitely whether in your judgment, such a commission as I have suggested, is at all practicable. In the meantime, our treaty with Nicaragua is now before the Senate and may soon be approved in such a way as to require the further action of Nicaragua. Should this be the case, it is quite opportune that nothing will have occurred on the subject of our claims, to prevent the necessary concurrence of that Republic in the amended Treaty.

I am, Sir, your obedient servant.

1136

William Henry Trescot, Acting Secretary of State of the United States, to Luis Molina, Chargé d'Affaires of Nicaragua at Washington [1]

WASHINGTON, *June 29, 1860.*

SIR: I have the honor to enclose to you copies of two resolutions of the Senate of the 27th. instant [2] passed in Executive session, relating to the Treaty between the United States and Nicaragua, signed at Managua on the 16th. March 1859, and amending certain articles of the same. Copies of these resolutions will be sent to our Minister to Nicaragua in order that the amendments may be submitted to the consideration of the Government of that Republic.

I avail [etc.].

[1] Notes to Central America, vol. 1.

[2] Apparently, an error of one day respecting one of the resolutions. See the instruction of June 30, 1860, below, this part, doc. 1137, and note 2 thereto.

1137

William Henry Trescot, Acting Secretary of State of the United States, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [1]

No. 17 WASHINGTON, *June 30, 1860.*

SIR: I transmit herewith copies of two Resolutions of the Senate passed in Executive Session, on the 26th and 27th. instant, respectively,[2] in relation to the treaty with Nicaragua signed at Managua on the 16th. March 1859.

You will submit the amendments proposed in these Resolutions to the Government of Nicaragua, and will endeavor to procure their assent to them. Should these amendments be adopted it will be necessary to have them ratified by the competent authority, and the amended copy of the Treaty, thus ratified, be returned to this city within six months from the 27th. instant, in order that the usual exchange of ratifications may be effected here, in pursuance of the terms of the 22d article.

The Nicaraguan copy of the Treaty to be returned hither for exchange should, you are aware embody the amendments of the Senate in the following form of ratification:

"Whereas a Treaty was concluded and signed at Managua, on the 16th. day of March, 1859, between the Republic of Nicaragua and the United States of America by their respective Plenipotentiaries duly authorized to that effect, which Treaty with the amendments afterwards agreed upon by the contracting parties is in the words following, to wit:—"

And then *insert* the *amendments* where they occur, in the text of the Treaty in place of the original words, and follow it by the usual ratification.

Your despatches to Nº 17 inclusive [3] have been received.

I am, Sir, your obedient servant.

[1] Instructions, American States, vol. 16.

William Henry Trescot, of South Carolina, who signed this instruction, was commissioned as Assistant Secretary of State on June 8, 1860. He resigned on December 10, 1860. On December 30, 1852, he had been commissioned secretary of the legation in Great Britain, and had, later, resigned, his resignation taking effect early in May, 1853.

[2] The resolution of the 26th provided for striking out of Article XVI the words: "The United States agree to use all legal means and reasonable vigilance to prevent the formation within their Territories of hostile expeditions destined for those of the Republic of Nicaragua"; and it also provided that at the end of the second clause of the same article, the following words should be added: "But no duty or power imposed upon or conceded to the United States by the provisions of this article shall be performed or exercised except by authority and in pursuance of laws of Congress hereafter enacted."

The resolution of the 27th provided that the time limit for the exchange of the ratifications of the treaty "be extended six months from this 27th day of June, 1860, the limitations contained in the said treaty to the contrary notwithstanding."

[3] Dimitry's No. 17 is not included in this publication.

William Henry Trescot, Acting Secretary of State of the United States, to Antonio José de Irisarri, Guatemalan Minister to the United States [1]

WASHINGTON, *July 12, 1860.*

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant [2] in which you communicate, under instructions from the government of Guatemala, its views in regard to the protest made by Mr. Clarke, our late Minister in that country, against certain negotiations which had been conducted between Guatemala and Great Britain.

In reply I have the honor to inform you that the line of conduct pursued by Mr. Clarke while Minister Resident was not approved, nor his Protest against the Treaty, authorized by this Government, as will appear from the following extract of a despatch dated 18th. February last from this Department to Mr. Clarke:—[3]

> The Department regrets exceedingly that your understanding of the precise relations between this Government and that of Great Britain in regard to Central American questions was so inexact as to permit you to adopt a line of conduct different from that which the accord of those governments would have indicated as the most consistent with their mutual views, and to lead you to protest against negotiations which were in harmony with the understanding of the subject entertained here and at London.

It is proper to add that unfortunately Mr. Clarke died before the receipt of this despatch and that in the absence of any representative of the United States Government in Guatemala it was returned unopened to this Department.

Trusting that this explanation will satisfy you that the Government of the United States had no intention of interfering with the rights of Guatemala, nor of embarrassing a negotiation, the object of which it had previously approved.

I have the honor [etc.].

1139

William Henry Trescot, Acting Secretary of State of the United States, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [4]

No. 19 WASHINGTON, *July 18, 1860.*

SIR: I transmit herewith a copy of a letter just received from H. L. Stebbins, Esquire, dated the 14th. instant [5] from which you will learn that there

[1] Notes to Central America, vol. 1.

[2] See below, this volume, pt. II, doc. 1556.

[3] See below, this volume, pt. II, doc. 1556.

[4] Instructions, American States, vol. 16.

is a prospect of an early adjustment of the pending differences between the American Atlantic and Pacific Ship Canal Company and the Government of Nicaragua.

Any thing which you can properly do towards promoting an arrangement of the issues connected with the Transit question will, it is believed, contribute largely to the happy solution of the international questions under discussion between the United States and Nicaragua. It is of course understood that any interposition on your part must be purely on the ground of personal good offices, and be restricted by the previous instructions to you containing the views of the Department, upon the Transit questions.

Your despatches 18 and 19 [1] have been received.

I am, Sir, Your obedient servant.

1140

Lewis Cass, Secretary of State of the United States, to Luis Molina, Honduran Minister to the United States [2]

WASHINGTON, *October 8, 1860.*

SIR: In March, last, this Government concluded with Don Leon Alvarado, then Minister Plenipotentiary to the United States, a treaty of friendship, commerce and navigation alike advantageous to the interests and honorable to the character of both countries. That Treaty was in due course transmitted by Señor Alvarado to his own Government, but while awaiting the usual and consequent ratification, the Government of the United States was surprised by the receipt of a letter from the Secretary for Foreign Affairs of Honduras [3] taking no exception to the provisions of the Treaty but informing it "that Mr. Alvarado was lacking in authority to conclude such; for although it is certain that in the year 1856, he was accredited on the part of this Republic as Representative near the United States for the purpose of adjusting a Treaty of the class mentioned above, I also know that commission was withdrawn from him in the same year with the approval of His Excellency the President of the State; which decision was communicated to the Government of the United States, which surely cannot have been informed thereof up to this date. In such a state of things the Government of this Republic which ardently desires the strengthening of the relations it cherishes with the American Union, finds itself obliged not to take into consideration the convention referred to, inasmuch as that would be equiva-

[1] The former of these despatches is not included in this publication. For the particulars

without any delegation whatever, and in great derogation of the Sovereignty of this Country."

This letter would have received an immediate reply but from the intimation with which it concluded that a representative from Honduras had been accredited to this Government. Having therefore presented your credentials to the President as Minister Plenipotentiary for the republic of Honduras and this Government having expressed its gratification at so acceptable a selection, it becomes my duty to call your attention to the communication referred to and to say that this Government cannot with proper respect for itself or due consideration for the well established principles of international intercourse accept the decision of the Government of Honduras upon the validity of the Treaty.

It is expressly stated by His Excellency the Secretary for Foreign Affairs, that Don Leon Alvarado was duly accredited by the Government of Honduras to the Government of the United States for the purpose of negotiating such a Treaty as was actually concluded and from the period of his arrival here to the receipt of the letter to which I have asked your attention, this Government received from the Government of Honduras no intimation of a change either in the person of the Minister or in the objects of the mission.

Under these circumstances however much this Government may regret the failure of so important a communication as that described by His Excellency and whatever responsibility it may be just and proper for the Government of Honduras to exact from its representative as between themselves, this Government cannot admit the existence of any irregularity in the negotiation and conclusion of the Treaty and I therefore express the confident expectation of the Government of the United States that the republic of Honduras will not delay the ratification of a Treaty to which the good faith of both countries is irrevocably committed.

I avail myself of this opportunity [etc.].

1141

Lewis Cass, Secretary of State of the United States, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [1]

No. 21 WASHINGTON, *November 19, 1860.*

SIR: Your despatches 29 and 30 [2] were received on the 16th. instant.

While the Department appreciates the discomfort and annoyance to which you are exposed in the capricious and tortuous policy of the govern-

earnestness with which those views have been reiterated, and the friendly forbearance of this government, Nicaragua chooses to persist in a course which must in all probability result in a defeat of the treaty concluded by the plenipotentiaries of the two Governments, it is to be presumed that the consequences of such a course have been fully weighed and that Nicaragua is not unwilling to abide by them.

I am, Sir, Your obedient servant.

1142

Lewis Cass, Secretary of State of the United States, to Luis Molina, Honduran, Nicaraguan, and Costa Rican Minister to the United States[1]

WASHINGTON, *November 26, 1860.*

SIR: I have received your note of the 2d of October[2] addressed to me in the joint names of the governments of Honduras, Nicaragua and Costa Rica, but have been prevented from answering it at an earlier day in consequence of the difficulty I found in procuring information which I needed in the investigation of the subject presented by you. As each of those Republics has appointed you its Minister to the United States, and as you have been recognized in that capacity by the President, any representation you may think proper to make in the name of either of them, will be received and respectfully considered. But I must remind you that they have no joint political existence and tho' they may have subjects of common interest, that community of interest arises from geographical position and not from political connection. This government, in the earnest desire it felt for the security and prosperity of the Central American States, communicated to some of them some time since, its conviction that their union under a Federal government would be a measure which could not fail to rescue them from many of the grave evils, to which in their isolated condition they are exposed, and recommended its adoption. This friendly representation, looking to a combination of their strength furnishes conclusive proof that the United States entertain no designs hostile to their Independence or to their internal tranquility. But the advice was disregarded, and each of those States yet constitutes a Power, as independent of its neighbors, as of the other Nations of the World. But even if those three Republics had a right to assume the

[1] Notes to Central America, vol. I. [2] See below, this volume, pt. II, doc. 1569.

certainly have none to speak in the name of Central America, for there are two States of that extensive region for which you possess no authority to act known to, or recognized by this government.

Under these circumstances this government would have been fully justified in declining to receive this joint representation, but the President in a spirit of friendly regard is willing to waive the objections to this proceeding, tho' while doing so, the principle it assumes that this Country can be held responsible to any government for wrongs alleged to have been committed against another is peremptorily repudiated. I am instructed therefore to inform you that the views of the President respecting the various subjects you have presented will be communicated to you as the representative of each of those Powers, and I address this note to you as the Minister Plenipotentiary and Envoy Extraordinary of Honduras.[1]

As your reference to the invasions of Nicaragua and Costa Rica some years since, seems to be merely for the purpose of expressing your views concerning them, unaccompanied with any demand upon this government, it is no farther necessary to advert to them than to say, that as they had already been sufficiently discussed, and the United States had condemned these proceedings, and had discharged their duties in relation to them, their introduction at this time can serve no useful purpose, and I regret that you have deemed it expedient to refer to them.

The recent expedition against Honduras led by Gen[l] Walker, and which was fortunately defeated, forms the principal subject of your communication. I had read this with the attention due to the gravity of the circumstances, and with feelings of sincere regret, that Honduras has been exposed to the same lawless spirit which has heretofore inflicted so much injury upon other States in that quarter. These assaults upon peaceful Countries deserve the severest condemnation and they have not failed to excite the deep regret of this government as has been repeatedly shown by its acts and declarations. Upon every occasion known to it, it has not failed to exert all its power to prevent any infraction of the laws of the United States by which such enterprises are prohibited and the offenders subjected to punishment. No representation has ever been made by a Public Minister from that region conveying information that such designs were meditated which has not been immediately attended to, and all legal measures taken to defeat them.

I learn from your despatch, and for the first time, that a conspiracy is believed to exist in the Southern States with extensive ramifications and

[1] At this point, in the file copy of this note, an asterisk appears, and, in the corresponding note, at the foot of the page, appear the following lines:

"*E. E. and M. P. of Costa Rica.

"*Chargé d'Affaires of Nicaragua."

considerable resources, the object of which is to destroy the nationality and independence of Honduras and the other States, to subdue them by fire and sword, and to introduce slavery there. I submit for your consideration whether grave charges of such a nature should occupy a prominent place in a diplomatic recapitulation of alleged grievances without some reasonable proof to sustain them. No facts are presented which justify such statements, nor is any evidence proffered by means of which this government might be enabled to investigate the grounds of this accusation, and if found correct, to adopt such measures, both preventive and punitive, as might be proper and in its power, if indeed it is intended by this complaint to invoke its action. Tho' the statement is qualified as "a belief," yet it does not the less furnish the occasion for serious charges and remarks, which I have read with some surprise, and which, if well founded, would impose a heavy responsibility upon this Country.

While disposed to make all due allowance for the feelings justly excited by the inroad into Honduras, in which Gen[l] Walker participated, and for which he forfeited his life, I must yet remind you that the sense of injury does not supply the place of proof, nor is it alone sufficient to maintain the views you have presented. I cannot agree with you in opinion that the reference to "events of public notoriety, without descending to details," or in other words without pointing out the events referred to, and connecting them with the accusation, furnishes just ground for the complaints you have made.

There is no disposition to deny that there are many persons in the United States possessed of more enterprise than virtue, who are ready to engage in illegal undertakings against other Countries, sometimes influenced by the desire of plunder, sometimes by ambitious hopes, and sometimes by the higher motive of relieving suffering communities from the oppressions of arbitrary governments. History is filled with narratives of such efforts, and that the spirit which prompts them is now in active operation, events which are passing in Europe leave no room for doubt.

But even there, where the authority of the Governments is at once so powerful and comprehensive, where the population is crowded, the distances to be traversed short and the administrative machinery, both for detection and punishment so complete and effective, it has been found impossible to repress them, and they are carried on at this time upon a scale unknown in this hemisphere. I refer to this state of things not for the justification of this government, for it needs none, but to remind you of the difficulties inherent in this subject.

As to the "complete immunity" which you suppose these adventurers

pate, resulting from these efforts are equally deprecated by this government, but when you ask that a "radical remedy" should be provided, I can only repeat, that our laws are as rigid, it is believed, as those of most other Countries, and that in their administration the government endeavors in good faith and with all the means in its power to prevent and to punish these criminal proceedings.

A government is responsible only for the faithful discharge of its international duties, but not for the consequences of illegal enterprises of which it had no knowledge, or which the want of proof or other circumstances rendered it unable to prevent.

When the persons engaged in these undertakings escape the vigilance of the authorities of their own Country, and invade the territory of another Power, their defeat must then depend upon the opposition they may meet there. It is the right of such Power to deal with them, as its laws provide, and whatever punishment they may undergo, no other State is justified in interfering or complaining. And I am gratified to learn by your despatch, that you anticipate no difficulty hereafter in repelling these invasions, should a lawless spirit prompt their renewal, and this government sincerely hopes that in any such case this anticipation may be realized by the defeat and punishment of the invaders.

You dwell at some length upon the affairs of Ruatan and upon the character and conduct of Genl Cabaños. With the latter subject this government has no concern whatever, and its concern with the former results from the stipulations of the Clayton-Bulwer treaty which requires that it be delivered to Honduras by Great Britain, together with the other Islands of the group; and it is not doubted that this will be done in good faith as soon as the latter [1] Power is prepared to take possession of Ruatan. You attribute to the conspiracy which you denounce the circulation of false rumors with a view to deceive the public respecting the true designs of Genl Walker and to render it favorably disposed toward their accomplishment. Among these rumors was the report of the alleged "supposititious resistance" of the Island of Ruatan to the treaty of cession and of the dissatisfaction said to prevail there, which you seem to suppose exerted an unfavorable influence in this Country by inducing the belief that the object of the enterprise was not a predatory but a laudable one, and that its success would meet the cordial coöperation of the inhabitants. A few remarks upon this subject may serve to correct an erroneous impression.

Soon after the conclusion of the treaty of cession, rumors were prevalent, as well in this Country as in Europe, that the inhabitants of Ruatan, or at least a large portion of them, were opposed to the contemplated transfer of

the Island, and that the opposition to it was publicly avowed. It is your opinion that no such state of things existed, and that the rumors were false and did injustice to the loyalty of the people, who, if I understand you, manifested no repugnance to the measure. I have examined the documents you have transmitted in support of this opinion, but I cannot perceive that they at all contradict the general conviction that the people were opposed to passing under the jurisdiction of Honduras; at any rate without some guarantees which they considered essential for the security of their persons and property. This disaffection, almost from the signature of the treaty of transfer, Nov. 28, 1859, was a matter of general notoriety, published and commented upon in the Journals of this Country and of England. It attracted the attention of this government which observed its progress with some solicitude, lest it might eventually interfere with the full execution of the Clayton-Bulwer treaty. Documents have come to the knowledge of the public, establishing beyond doubt the truth of the reports. Among these is a letter from the Duke of Newcastle, Her Britannic Majesty's Principal Secretary of State for the Colonies, to Gov. Darling, dated March 30, 1860. It was in answer to a memorial from the inhabitants of Ruatan addressed to the Queen, praying Her Majesty not to ratify the treaty concluded with the Republic of Honduras for the cession of the Island. In order to mature the necessary measures in time for this representation to reach London and to be answered by the 30th. of March, the opposition to the proposed arrangement must have developed itself immediately after the terms of the treaty concluded in Honduras were known. The Duke of Newcastle in this letter expresses the regret of the Queen that motives of State policy had rendered the measure necessary, and recognizes the opposition of the inhabitants, while giving the assurance that it would occasion deep concern to the Queen should the people be disturbed by anticipations of injury by the change.

I am informed that on the 21st of May, the views and determination of the British government were made known to the people of Ruatan by Lieut. Gov. Price, who communicated to them a Royal Proclamation together with the letter of the Duke of Newcastle. On the same day a public meeting was held by the inhabitants at which it is alleged that great excitement prevailed, and that a declaration was adopted defining the guarantees required for the protection of civil and religious liberty and for the purpose of transmitting the same unimpaired to their posterity.

I have entered into this review in order to show that the rumors prevalent in this Country respecting disturbances in Ruatan were not the result of a "conspiracy" here, but that they were founded upon occurrences which took place there and which fully justified the belief as entertained. These actual occurrences, not false rumors, no doubt

in the opposition which was meditated to the transfer to Honduras. It is believed that General Walker left this Country about the beginning of June, and circumstances justify the supposition that his destination at the time of his departure was the Island of Ruatan. What influence the "malevolence of the press" could have had under these circumstances it is not easy to perceive.

In this connection I feel called upon to remark that while I do not object to your condemnation of Gen[l] Walker, and your denunciation of his proceedings, still I submit for your consideration whether the introduction into your despatch of events in which he was engaged some years before, and which have been already so fully discussed, and also whether the harsh epithets you apply to him had not better been avoided. He has passed beyond the reach of human judgment, and while his illegal enterprises form a just subject of examination and condemnation upon all befitting occasions, still the terms in which you characterise him personally, while they add no force to your representations are hardly consistent with a diplomatic discussion under existing circumstances.

I deem it unnecessary to follow your comments upon the "notorious malevolence", the "gratuitous injustice and the irritating tone," which you ascribe to the press of the United States. These are hard words, and even if the opinions they indicate respecting this great organ of public opinion in this country are entertained by you, still I can perceive neither reason nor propriety in their introduction into your despatch. You do not ask any action concerning it on the part of the government and had you done so, the application would have been peremptorily declined. The government of the United States have no jurisdiction over the Press in the respective States and if such jurisdiction existed, its exercise with a view to prevent or to inflict punishment for any publication criticising or condemning the course of public measures in other countries or in our own, would be an experiment upon the feeble forbearance, little likely to be made, and if made, sure to be defeated. There is no country, holding in any proper regard the inestimable advantages of a free press, which would permit it to be thus overrode, and in the States of Central America this immunity from prosecution in cases affecting foreign nations, seems to be fully enjoyed, at any rate so far as regards the United States, whose conduct and motives are assailed with a freedom and bitterness not often witnessed elsewhere, but which give no concern whatever to this government. And I have to assure you that the judgment pronounced by the American press upon the policy and proceedings of the Central American States, are due to far different considerations than to any favorable regard for "fillibusters" or any approbation of their proceedings as you suppose. Their course has been dictated by their observation of passing

almost hostile feeling exhibited in those States towards this Country, may have not been without its natural effect. A feeling admitted indeed in your note while it is very unsatisfactorily accounted for.

I have read with a good deal of surprise your statement, that the Central American States have assumed obligations and made concessions of the greatest weight and importance to the United States for the express purpose of securing themselves against fillibustering invasions and claims for consequential damages. I have no knowledge of any concessions made or obligations assumed by these States. It would be a sufficient answer to say, that with Honduras we have no treaty, for altho' a treaty between the two governments has been concluded, it has so far only been ratified by us, and even this treaty contains no stipulations which are not perfectly equal and which are not found in the treaty between Honduras and Great Britain. But I will remind you that with Guatemala, San Salvador and Costa Rica we have treaties containing the usual provisions and their dates respectively of 1849, 1850 and 1851, are sufficient evidence that they could have had no reference to fillibuster movements. With Nicaragua we have no treaty, for altho' one has been negotiated, it awaits the final action of the government of that Country, and I regret that delays are interposed which are not satisfactorily explained to this government, and whatever concessions or obligations this unratified treaty may contain are already secured by Nicaragua to France and England in similar Conventions.

I have also been surprised at the statement in your despatch that the persons and property of foreigners have been effectually protected notwithstanding the difficulties which have prevailed in Central America. That view is not supported by the facts which have taken place; for the injuries which our citizens have sustained have never been denied, altho' to this moment they are entirely unatoned for. It is true that a Convention has been concluded with Costa Rica providing for the investigation and payment of the just claims of our citizens, altho' as it reached here during the recess of the Senate, it has not yet been ratified by the United States; but the alleged indemnification provided for such claims by Nicaragua, as also the allowance which it is said that State had begun to make for the payment are for the first time made known to this Department; and the Government trusts that such specific information may be communicated as will enable it to secure for its citizens the amount of claims so long withheld. I have to remark however that the arrangement thus stated to have been made by the government of Nicaragua is a satisfactory proof that the protection "to their full extent" of the "rights and guarantees" to foreigners has not been so perfect as you suppose. And without going back into an investigation of the

that place, which furnishes a painful commentary upon your assurance of the protection to foreigners in that region. The Consul reports, that the house of this citizen, Dr. Hogan, was entered at night by a party of soldiers, led by an officer acting "under orders," and that he was taken prisoner, that subsequently he was prosecuted before a civil tribunal, and after the trial had continued twenty days the case was taken from the Court by a decree of the Executive and Dr. Hogan was banished from the Country for three years greatly to his personal inconvenience, and to the serious injury if not the ruin of his property and business. The Consul farther states that the accused could not have been convicted by the Court had the trial gone on. I cannot doubt but that due explanation and reparation will be made when the representations are received which our Minister has been instructed to make to the government of Costa Rica.

It remains for me only to notice the grave protest with which your note concludes. Referring to the various grievances which you have enumerated, you call upon the President "to devise a radical remedy for evils so transcendently serious," declaring in the name of Honduras and of the other governments you represent "that in the event unfortunately of the repetition of invasion by adventurers in their own territory or that of their allies and brothers with unavoidable injury to national and foreign interests, they will repudiate any responsibility for injuries which it is not for them to foresee" and protesting that these parties will not listen "to any reclamation for damages which the adventurers may inflict nor for those which may inevitably originate in a state of war, nor from measures it may be considered necessary by the governments for the defence of the Country either to persons or property of transient or resident foreigners" adding, however, that such "governments will omit no efforts to give them all the protection in their power which may be compatible with the national defence."

What other independent nations are included under the designation "allies and brothers" you have not informed me any more than you have of the authority by which Honduras in conjunction with Costa Rica and Nicaragua undertakes to announce the views and policy of such nations to the United States. Whatever they are, those States are competent to perform that task for themselves. But I beg to assure you that there was no necessity for this repudiation by Honduras of all responsibility for "injuries to national and foreign interests" committed in any other territory than its own. If we should have cause to complain of any violation of our conventional or international rights in Costa Rica or Nicaragua, we shall look to the governments of those Countries respectively for such redress as we may believe we are fairly entitled to. You will be pleased therefore to communicate to the government of Honduras, the assurance of entire immunity under these

and unnamed, is a question for themselves respectively and for which each of them is alone responsible to the Powers of the World.

This government sincerely trusts that Honduras as well as the whole valuable and extensive region of which it makes a territorial part, will not be again exposed to such reprehensible invasions as have disturbed its tranquillity and inflicted lamentable injury upon its citizens. And I renew the expression of the gratification I have derived from your assurances of the power of the people successfully to repel the invaders and of the unanimity with which that power will be exerted. Marauding expeditions may do some injury at first but they can make no permanent impression upon a country animated with such a spirit, and they cannot fail to terminate in the capture and just punishment of the adventurers.

With regard to the policy of Honduras towards such adventurers from whatever country they may come, the United States have no concern. But they have a deep interest in the safety and protection of their peaceful citizens wherever they may reside and their duty to them will not be neglected. It is impossible to foresee and it would be ungracious to anticipate, what complications may arise out of future events in that quarter of the World, nor what measures may be adopted affecting the "national interests" or "the persons and property of" American citizens. I desire, however, to assure you for the information of the government of Honduras, that the United States will hold it responsible for any injuries which their citizens may suffer by its action or inaction if contrary to the laws of nations. Should that time unfortunately come, the course to be pursued will be dictated by the honor and rights of the United States, notwithstanding the present or any future protest.

I avail myself of this occasion [etc.].

1143

Jeremiah S. Black, Secretary of State of the United States, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [1]

No. 22 WASHINGTON, *December 19, 1860.*

SIR: Your despatches to Nº 33 inclusive[2] have been received.

I have to express to you the earnest desire of the President to adjust the Treaty negotiations now pending—in the unratified instrument—with Nicaragua before the close of his administration. If that Government is honestly disposed to reciprocate the friendly sentiments of the United States, it can best manifest that disposition by a speedy ratification of the

Treaty. The Department is confident that you have used diligence in this respect, and hopes that before this reaches you the Congress of Nicaragua will have ratified the Convention. Should this not be the case you will endeavor to procure the adoption of such a measure at the earliest possible moment and I think you may safely give assurances that the Senate of the United States will extend the period fixed for the exchange of ratifications so as to meet the exigencies of the case.

I am, Sir, your obedient servant.

PART II

COMMUNICATIONS FROM CENTRAL AMERICA
1851–1860

1144

Ignacio Gómez, designated Chargé d'Affaires of Salvador at Washington, to Daniel Webster, Secretary of State of the United States [1]

WASHINGTON, *January 31, 1851.*

SIR: On the 25th of May 1849, when on my way back from Rome, where I had remained some time in the official capacity of Chargé d'Affaires of some of the States of Central America, I had the honour to address a letter [2] from Barcelona to the Department of State, then filled by the honorable Mr Clayton, stating that I had received credentials accrediting me as Chargé d'Affaires of San Salvador to this Government and announcing at the same time the being about to be appointed to represent likewise in this country the other two States of Nicaragua and Honduras, and inquiring if I could rely upon being received in my official character. My letter must be amongst the files of the State Department.

The honorable Mr Clayton, in reply, wrote me a despatch dated 18th June of the same year, informing me that there never would have been any hesitation on the part of the American Government to receive a duly accredited functionary from the States adverted to, and that I would be readily recognized and welcomed.

Private affairs called me to Spain and obliged me to remain in that country longer than I had anticipated. I have not, on that account, been able to leave Europe till the last month.

Upon my arrival at the United States, I wrote to my Government asking for new instructions, which seemed to be required, before entering upon my official duties in Washington, not only by the circumstance of the lapse of time, but by the changed condition of affairs in Central America. I entertain no doubt that I shall receive them at an early day.

Aware, nevertheless, of the interest which now attaches to affairs in that country and aware also that an inquiry respecting the blockade of the ports of Central America in the State of San Salvador, by British Naval forces, has been made in the Senate of the United States, I regard it as a part of my duty to address the honorable Secretary of State upon the subject.

San Salvador was about a year ago subjected to a similar blockade. The grounds of that demonstration consisted, for the most part, of sundry claims for reclamations of British traders in the country. Such claims were pending against the Government of that State, when in the month of October

[1] Notes from Central America, vol. I. Received February 1.

of Fonseca, on the Pacific, on board a war steamer and presented to the Government a series of articles, to which he demanded its assent within a fixed time and *without modifications*. The Government named Commissioners to treat with him—The Commissioners and the British functionary agreed upon a convention, which, in accordance with the provisions of the Constitution of San Salvador, was afterwards submitted to the Congress of the State. The Congress was disposed to ratify the articles relating to pecuniary claims, but refused to assent to others, which, as I have seen from the public papers, the Government of San Salvador pretends were agreed upon by its Commissioners in opposition to the instructions given and the restrictions imposed upon them. Such a refusal from the State to comply with the terms of the agreement in all its parts, is the principal ground of the present blockade. There are other grounds of complaint, indicated in the proclamation of the President of San Salvador, a copy of which, contained in the official paper of the Government, I have the honour to submit herewith.

Such is the state of the relations of San Salvador with Great Britain, a condition of affairs alike deplorable and injurious to the weaker party.

Notwithstanding what I have had the honour to state, my opinions, if I may be allowed to express them freely and frankly, are that the present difficulties and misunderstanding between my Government and the British Chargé arise more from the form and the manner in which the claims have been presented than from any other cause, since the official papers charge that functionary with being strongly prejudiced against the present Administration and that conviction embitters all the relations between them; but the Government protests, at the same time, that it is disposed to do justice and arrange all lawful reclamations which may be made in a peaceful and amicable manner and which shall not derogate from the dignity or infringe upon the rights of the State.

Looking to the honour and the interests of the same, and confident of the friendly disposition of the American Government and People towards the States of Central America, I have no hesitation in soliciting, under the existing relations, the good offices of this Government so far as they may be interposed in consonance with international law, in behalf of San Salvador, with the view of arranging in a prompt and satisfactory manner, the difficulties pending between that State and Great Britain.

I avail myself, Sir, [etc.].

Henry Savage, in charge of the Legation of the United States, in Guatemala, to Daniel Webster, Secretary of State of the United States[1]

[EXTRACTS]

No. 4 GUATEMALA CITY, *February 21, 1851.*

With reference to mine (N° 3) of 21st September ult° [2] communicating the facts in relation to certain claims made by British Agents, on the Government of the State of San Salvador, I have to inform you that a Blockade of the Ports of San Salvador was instituted in the month of November ult°, in consequence of satisfaction not being obtained for those demands.[3] . . .

It has been intimated to the Government of San Salvador and also to that of Honduras, by the Commander of H. B. M. Steamer Gorgon, that in the month of October next, a larger naval force will arrive to establish a more rigorous blockade of all the ports of San Salvador and Honduras, unless a previous satisfactory arrangement of the claims in question be effected.

I deem it therefore expedient to communicate the above facts for the information of the President of the United States.

Very Respectfully [etc.].

1146

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States[4]

[TRANSLATION]

WASHINGTON, *February 24, 1851.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, has the honor of addressing himself to Mr. Daniel Webster, Secretary of State of the United States, for the purpose of submitting to him a few remarks, relative to the construction which Great Britain has thought proper to put upon the treaty concluded between that Power, and the United States of the North, on the 19th of April, 1850.

It is publicly known that the object of the aforesaid treaty was to secure the most perfect liberty in the construction of the Maritime Canal, through the Isthmus of Nicaragua, and to guarantee the neutrality of that important route of interoceanic Communication. There can be no doubt, that, in order to attain these ends, and with a view of avoiding all kinds of difficulties, in the faithful and honest performance of the stipulations of the treaty,

[1] Despatches, Guatemala, vol. 2. Received June 18. [2] See vol. III, pt. II, doc. 993.

the two powers have thought it proper to cause to be inserted the names of all the States, districts and localities adjoining, or through which, the aforesaid Canal had to pass, and among them, the Mosquito Coast and Country, which form and constitute, as they have always formed and constituted, an essential and integral part of the republic of Nicaragua.

The result of this has been, that Great Britain, being determined to construe to her own advantage the very letter and provisions of the treaty, addressed new instructions and communications to all her agents in Central America; especially to those residing in Nicaragua, announcing to them, in explanation of the text of the treaty, that the Government of the American Union had recognized the existence of the pretended King of Mosquitos, and, consequently, the usurpation of the port of San Juan; and that the treaty of the 19th of April, 1850, so far from weakening the rights of the Savage Chief, confirms and strengthens them.

The Undersigned, although fully satisfied as to the sentiments which animate the Government of the Union, and the error, into which the British Government has fallen, cannot avoid addressing himself to Mr. Daniel Webster, Secretary of State, for the purpose of ascertaining, whether the Government of the United States, really intends to recognize, in virtue of said treaty, the existence of a separate sovereign territory, independent of the Republic of Nicaragua, commonly known by the designation of Mosquito coast, and Mosquito country: and whether the present administration, which so wisely and so prudently rules the destinies of the Republic, concurs in the opinions, and avows the principles laid down in the despatch, which Mr Clayton addressed to the Chargé D'Affaires of the Republic, in Nicaragua, under date of May 7th 1850.[1]

The Undersigned begs that the Secretary of State will be pleased to give an answer to the questions contained in this despatch, as soon as possible, and to receive [etc.].

1147

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [2]

[TRANSLATION]

WASHINGTON, *February 26, 1851.*

MR. SECRETARY: Under date of the 13th of October 1850, the Undersigned addressed a Communication to Mr. Abbot Lawrence, United States Minister in London,[3] and one subsequently, dated the 18th of last January, to Mr.

Republic,[1] both of which notes contained the following declaration. "Señor Ministro:—The Legation of Nicaragua, has learnt from a reliable source, that the Government of Her Britannic Majesty has proposed to the Government of the United States of America, as a means of settling the question of San Juan, the cession of that port to the State of Costarica. The tendency of this proposition, being to deprive Nicaragua of her rights over this portion of her territory,—rights, which the forcible occupation of that port could not have destroyed; and, as this arrangement is moreover in opposition, not only to the interests of Nicaragua, but also to those of the American Company for the construction of the Atlantic Pacific Canal, and this being a new Occupation disguised under different forms, the Undersigned declares, in the most peremptory, solemn, and positive manner, that, his Government, so far from being able or intending to accept this basis, as the means of settlement, only sees in it, a fresh act of injustice,—a source of new difficulties, and further complications.

"The Government of Nicaragua, cannot, under any circumstances, consent to this new spoliation, equally at variance with all principles of equity and justice;—it were to renounce, on the contrary, all those rights, which have appertained to her from times immemorial,—rights, which she has never ceased to maintain from the 1st of January, 1848,—the epoch, when the British Naval forces took possession of San Juan, in the name of the pretended Mosquito King.

"The Undersigned, therefore, begs that the American Minister will be pleased to make the foregoing declaration known; and, in the mean-time, he avails himself of this opportunity to tender him the assurances of his most distinguished consideration."

As the Undersigned is in possession of positive datas, showing that the British Government insists upon the arrangement alluded to, in furtherance of which, it has prevailed upon the Government of Costarica, to set up false pretensions to the port of San Juan, I cannot do less than to repeat, now, the declaration which I made on the proper occasion, to the representatives of the American Government both in London and in Paris.

The Undersigned avails himself of this opportunity [etc.].

[1] Not included in this publication.

of the Central American Union ever being restored, Costa Rica assumed the full exercise of her Sovereignty as an independent community, She became alive to the necessity of strengthening her relations with Foreign Powers. She felt particularly anxious to do so in regard to the United States: geographical situation and identity of political principles, rendering the Amity of this country an object of paramount interest to us.

The President of Costa Rica accordingly appointed me more than two years ago Envoy Extraordinary to this Government, as it appears by the credentials, confirmed by subsequent acts, which I do myself the honour to place in Your Excellency's hand. Negotiations of a very pressing nature however, have prevented me from paying to Your Excellency, at an earlier date, the homages of my country and my own humble respects.

Such negotiations embracing the recognition of our political existnece by the Mother Country, the creation of a separate ecclesiastical establishment by the Holy See, and Treaties with other Nations conferring to none any exclusive advantages, having been successfully terminated, I am at length enabled to devote myself to the discharge of a duty, the more gratifying to me, as attached to America, by the recollections of my early education, I view with deep interest every thing connected with this land of Freedom.

Allow me therefore, to assure Your Excellency that the Government and the People of Costa Rica, are animated by the warmest feelings of Friendship for this Great Nation; and to offer their earnest wishes for the continuance of its prosperity and for the personal happyness of its illustrious rulers.

Costa Rica, Mr. President, is but a rising State. Yet she entertains the hope that her geographical position, her natural resources, the aptness of her population for self improvement, and the stability of her administration will entitle her to the consideration of the United States, and that she may succeed in forming as intimate a connection with this country as she has with any other power.

We confidently trust on the wisdom and integrity of his magnanimous nation, for the preservation of our rights in any emerging difficulties. We find already an evidence of the favourable dispositions of this Government in the Ship Canal Convention lately concluded with Great Britain, consacrating the principle of the independence and neutrality of the Central American States and offering the mediation of both Powers for the settlement of con-

[1] Notes from Central America, vol. 1. No receipt date is given.

route shall traverse.

I congratulate myself on being called upon to be instrumental in facilitating that glorious enterprize; and I shall do every thing in my power to deserve the approval of the American Government and People in the fulfilment of the different objects of my commission.

1149

Felipe Molina, Costa Rican Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

WASHINGTON, *March 28, 1851.*

SIR: I have been specially instructed to represent, through your honourable medium, to the Government of the United States of America, that the Republic of Costa Rica is very anxious to see the philanthropic views of this Government, in regard to Central America, carried out, as contemplated by the Ship Canal Convention entered into with Great Britain.

According to the provisions of that Convention, both contracting Powers, the United States and Great Britain, agreed to offer their good offices for the settlement of any differences existing between the States of Central America in regard to the territories over which the projected route shall traverse; with a view to remove the political difficulties; embarrassing the execution of that great enterprize and in the interest of humanity.

The Government of the United States is probably aware that the Republic of Costa Rica claims a right of dominion over all the country lying on the Southern bank of the river San Juan, from the Atlantic Ocean to the Lake of Nicaragua, as well as on that portion of the aforesaid Lake, comprised between Fort San Carlos and river La Flor; together with a right to the joint navigation of the above mentioned river San Juan, and of Lake Nicaragua. Costa Rica consequently maintains that her concurrence and participation is necessary in order to open any interoceanic communication across the described localities. The State of Nicaragua refuses to recognize the validity of those claims, and pretends to exercise an exclusive controul over all matters concerning said territories and said river and Lake.

These differences have been for the last few years, the subject of frequent discussions and missunderstandings between the Governments of Nicaragua and Costa Rica; giving rise to an unnatural state of feeling between communities owing their existence to the same source and connected by the ties of an equal religion and identical language, customs and laws.

For its part, the Government of Costa Rica, after having exhausted the

means of arriving to a peaceful arrangement of such questions by a direct understanding with the neighboring State, as a sense of fraternity and good policy would recommend, has come to the conviction that the only way left for a settlement is to submit the whole affair to the arbitration of disinterested parties.

It is under this impression that Costa Rica accepted long time ago the high mediation of the United States and Great Britain, and that she appeals now to the justice and good will of this Government, trusting that it will, as the tutelar Power of this Continent dispense to her the same considerations that Nicaragua has obtained, and not afford to the latter country, by Treaty or otherwise, any countenance or support injurious to Costa Rica.

We are likewise led to hope that pending the settlement of the conflicting claims, the Government of the United States will be pleased to use its influence with the Government of Nicaragua in order to prevent a collision which would only be attended with waste of life and property and not with any final result.

The character of the present Administration of the American Union, so highly distinguished for its wisdom and equity, is regarded by my Government as a pledge that the reasonable demands of Costa Rica forming the subject of this communication shall be favourably listened to.

I think it therefore my duty to assure you beforehand that the names of the illustrious persons composing now the Administration of this Nation, will forever occupy a prominent place in the gratefull hearts of the Costa Rican People, as the benefactors of that Country.

With the renewed assurance [etc.].

1150

Henry Savage, in charge of the Legation of the United States, in Guatemala, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACT]

No. 5 GUATEMALA CITY, *April 10, 1851.*

. . . It may not be irrelevant here to add, that in the course of conversation with some of the leading men of Guatemala, they gave me to understand they entertained an idea that the U. States Government had sent a Minister to Central America for the purpose of engaging the States of Honduras, San Salvador and Nicaragua to make war upon Guatemala, so as to coerce her into a federal union with those States, and I have undertaken to

Government do not permit any intervention in the internal policy of other States; the people of the U. States would prefer seeing a National Government in Central America capable of maintaining peace and resisting foreign aggression, than segregated States, at continued variance with each other, but that the Government of the United States would never in any way intermeddle, much less condescend to the attainment of such ends, by intrigue. Fortunately the message of the President which seems to have given much satisfaction here, corroborating my assertions, has been received, translated and inserted in the Gazette.

I have remonstrated against that latent hostility, which I observe exists here among a certain class of persons, towards the United States, and have endeavoured to make it to be seen, that Guatemala would by far more advance her own interests by cultivating friendly relations with the U. States and encouraging our commerce, than by fostering any unkind feeling towards our country, inasmuch as the U. States must inevitably exercise a great moral influence over Central America, despite of all human effort to counteract it, and the reply made to me, has been, that they are well aware of it, that the rulers of Guatemala entertain no ill will towards the United States, *but they are opposed to the application of the U. States' principles to the country of Guatemala. . . .*

Very respectfully [etc.].

1151

Henry Savage, in charge of the Legation of the United States, in Guatemala, to Daniel Webster, Secretary of State of the United States[1]

[EXTRACT]

No. 6—Confidential GUATEMALA CITY, *April 21, 1851.*

I deem it of moment to transmit to the Department the accompanying documents copies of a correspondence that has recently been opened on the subject of a proposed protectorate of these States under the auspices of H. B. M. Government, conjointly with Spain and the U. States.[2]

[1] Despatches, Guatemala, vol. 3. Received June 12.

[2] The following are the documents enclosed with this despatch from Savage, and which are commented upon in it:

Pedro N. Arriaga, Honduran Chargé d'Affaires at Guatemala City, to Frederick Chatfield, British Chargé d'Affaires at Guatemala City

[TRANSLATION]

municated to the President of the United States, on enquiring of the gentleman who placed them into my hands, whether or not, I was at liberty to exhibit them to the Minister of F. Aff[s] of this Republick, for his acknowledge-

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It is superfluous to mention here how much these occurrences retard the commerce and prosperity of this section of America, which each day becomes more interesting because of its geographical situation; and which on the other hand contains elements of much wealth almost entirely unknown until today.

At present the greater part of the commerce, both export and import, either through the ports of the Pacific or by the Northern coast, is carried on with England; whose manufactures are consumed by all classes, in proportion as the indigo, cochineal, coffee, *zarza*, wood and other articles go to London for trade and consumption.

Other products, as honey, sugar, tobacco, lumber, and different grains will find consumption in the Californias; and then the condition of our peoples, devoting themselves to commerce and industry, will assume a different aspect,—devastating wars will cease and the country prospering, a market would be formed richer and more profitable for England and also for all other commercial nations.

But it is evident that England would have the greatest interest in this trade, and also the United States in so far as concerns California and the employment of its merchant marine; the reason being, among other political reasons which Your Lordship must comprehend, principally because some special engagement regarding this project is expected on the part of the Government of Her Britannic Majesty.

Another nation which always enjoys some influence in the country is Spain, both because its natural products are consumed and because the identity of language, customs, and old family relations, exercise a moral attraction of not a little importance.

Such are the reasons why, in view of the political disorder of some of the States of Central America, it has been thought in Guatemala that England, Spain and the United States, coming to an understanding for that purpose, not only in behalf of their own interests, but out of sympathy for some nascent peoples, to whose sufferings they can not be indifferent, might agree to exercise in concert a sort of protectorate, or supervision, with the principal object of promoting a friendly settlement between the different independent governments of Central America, and the agreement not to attack one another and to submit their questions to the mediation of the three Nations referred to, which to that end must be prepared to make their intervention effective.

Although such a project presents difficulties to be overcome before its realization, the fact will not be disguised from the English Government that they are not the same that the present situation offers, which must aggravate later events; making the efforts of the Foreign Representatives both useless and complicated, due to the lack of agreement necessary in order that their influence may be beneficial.

Moreover, a project such as this will not appear strange, in view of what recently took place in Spain, the quadruple alliance (cuatriple alianza): what is taking place in Greece, and even various other cases might be cited. The interests of the New World, from the point of view of commerce and navigation and also with respect to the influence of institutions, are worthy of consideration and are each day increasing; and so this indication should not cause surprise.

Should the Chargé d'Affaires consider it well to recommend this project to his Government, my Government would so inform the Government of Costa Rica and our Consul General Chargé d'Affaires at London, waiting for a more seasonable opportunity or for other more acceptable means to address the Governments of Nicaragua, Honduras and Salvador.

Hoping for a reply from Your Lordship, I have the honor [etc.].

Frederick Chatfield, British Chargé d'Affaires at Guatemala City, to Pedro N. Arriaga, Honduran Chargé d'Affaires at Guatemala City

GUATEMALA CITY, *February 25, 1851.*

SIR: In reply to the note which you did me the honor to address to me yesterday, I request to say, that I will immediately lay it before Her Majesty's Government, and strongly recommend the adoption of the measure which it suggests, from a conviction

authenticity, his reply was that I had better not do so.

The documents nevertheless, are authentick, inasmuch as on mentioning the circumstance to another of the ruling party and a member of the Council, he not only did not disclaim them, but on the contrary corroborated the

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of its necessity to enable the Central American States to turn to proper account, the elements of wealth and prosperity, which they severally possess.

I have the honor [etc.].

Pedro N. Arriaga, Honduran Chargé d'Affaires at Guatemala City, to the Minister of Foreign Affairs of Costa Rica

[TRANSLATION]

GUATEMALA CITY, *February 26, 1851.*

SIR: Subsequent to the recent events which I had the honor to communicate to Your Lordship concerning the aggression of the forces of San Salvador and Honduras, and the warning which they received from the army of this Republic under command of General Carrera, the latter pursued as far as Santa Ana a remnant of rebels with which it was sought to cover the rout; but considering that it is not easy to repress the spirit of rivalry on which the efforts of the revolutionists are founded, and that the outcry would be raised of a fancied existence in Guatemala of ideas of domination, it has appeared more expedient to withdraw our forces, although victorious, preferring to maintain ourselves on the defensive rather than be the voluntary causes of a prolonged war and of harm to unhappy peoples worthy of a better fate.

But thinking that such a grievous situation is prejudicial in the extreme to the prosperity of the country, a thing which that Government will experience with the alarms from the discontent which finds support in Nicaragua; having considered the matter carefully and in conference with many able and patriotic persons, who are likewise calculating the future in view of the events which have taken place on this Continent, it has been resolved to promote a mediation of foreign influential powers, according to the terms that Your Lordship will see from the attached copy.

This step, besides being in conformity with the usage and practise of nations, it is to be hoped will give very good results, and, moreover, it appears to conform to the ideas that that Government has manifested in its differences with the Government of Nicaragua; wherefore, should it meet with its approval, instructions can be given to Mr. Molina in Europe so that he may unite his efforts with those of Mr. Wallerstein, Consul General of this Republic at London, in order to obtain the desired end.

Such is the object of the present communication, made at the order of His Excellency the President.

I have the honor [etc.].

Pedro N. Arriaga, Honduran Chargé d'Affaires at Guatemala City, to Edward Wallerstein, Consul-General of Guatemala at London

[TRANSLATION]

Confidential GUATEMALA CITY, *February 28, 1851.*

SIR: In the latter part of January the communication of Mr. Wallerstein, dated December 16 last, was received, giving an account of the interview with Lord Palmerston, Secretary of State for Foreign Affairs of the Government of Her Britannic Majesty, under the authority granted to him for the purpose, on the matters to which he refers and others of interest to this Republic; and in view of the satisfactory result of this step, he hopes that the same may be continued whenever occasion may arise.

Besides the ideas expressed by His Excellency Lord Palmerston concerning this Republic, and the interest of that Government in its wellbeing, it is of not a little importance to know of the permanency of Mr. Chatfield, both because of his knowledge of the affairs of this country and because of the respect which his public and private

of purpose, as to place beyond a doubt, the genuineness of the correspondence.

I am thus particular in mentioning the fact, because no communication on the matter has been sent to this Office for transmission to your Department and I judge this unofficial manner has been resorted to, for that purpose.

A protectorate of some sort, under the British Government has, to my knowledge, been in contemplation for many years past, but the fact of my vigilance over all that affects the interests of the U. States, being too well known to the leading men of this State, care has been taken to exclude from my knowledge any action on the subject,—vicissitudes of administration have suspended its prosecution and finally the Treaty entered into on the part of Great Britain by Mr Bulwer on Central American Affairs has evoked the modification which is now observed to invite the co-operation of the United States and summon the attention of Spain, to secure her possession of the Island of Cuba.

There is now another matter of more importance, which is explained in the copy which I am sending herewith by direction of the Government, in order that the Consul General, advised of its contents, may take the necessary steps in the matter, informing this office of the result.

This matter is of the greatest interest to the Republic. The Government of Costa Rica in all probability will instruct its agent to the same effect, and will be good enough to interest therein the Minister of the United States resident at that Court.

I reiterate to the Consul General the assurances of esteem and respect [etc.].

Pedro N. Arriaga, Honduran Chargé d'Affaires at Guatemala City, to F. N. del Barrio, Mexican Minister to Guatemala

[TRANSLATION]

GUATEMALA CITY, *March 1, 1851.*

SIR: As Your Lordship will learn from the annexed copy, the Government, with due deliberation and after careful examination, has believed it necessary to take some steps to secure the independence of the Republic and the peace of these peoples, seeking the support and friendly relations of influential powers before the occasion may arise, which does not appear remote, of admitting, by force of circumstances and events, the exclusive law of some power which might not be sympathetic toward us.

Although it is not to be expected that in Mexico attention is fixed on these matters in view of the high opinion that has been held of its power, here it has appeared to be occupied with the future, in order to guard beforehand against evils which can not be easily checked when they approach.

It will be well for Your Lordship there, in the absence of an agent in Spain which we do not yet have, to explain these designs to the Minister of Her Catholic Majesty, in order that through him the Cabinet of Madrid may be advised in good time, and if the latter should approve the plan indicated, it may instruct its Representative in London on the matter.

The Spanish Government in truth should be much interested, even in the preservation of the independence of Mexico, since the only means of preserving the Island of Cuba is to maintain the dominion of the Spanish race in this Continent. It will be opportune for Your Lordship to call this to the attention of the Spanish Minister.

Not knowing here the character and inclinations of the present American Minister in Mexico, it remains for Your Lordship to judge whether it will be advisable to discuss the matter with him; which decision is left entirely to the prudence and well known

the reading, it is significantly expressive of the fears entertained by the rulers of Guatemala of the overwhelming power of the United States which may eventually absorb Central America, and hence the necessity of devising plans to counteract it, relying altogether, for this purpose, on the favour of the British Government[1] . . .

Very respectfully, I am, Sir, [etc.].

1152

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [2]

[TRANSLATION]

WASHINGTON, *May 7, 1851.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua near the Government of the United States, has the honor of Enclosing to the Hon. Daniel Webster, Secretary of State, copies of two communications which have been transmitted to the Government of Nicaragua, one, by Mr. John Foster, British Vice-Consul at Realejo, and the other, by Mr. Frederick Chatfield, Consul General and Chargé D'Affaires of England in Central America.[3]

[1] The omitted portion discusses matters not pertinent to this publication.
[2] Notes from Central America, vol. 2. Received May 7.
[3] The two documents, referred to in this paragraph, follow:

John Foster, British Vice-Consul at Realejo, to Sebastián Salinas, Minister of Foreign Affairs of Nicaragua

[TRANSLATION]

REALEJO, *October 12, 1850.*

SIR: I have the honor to inform you, that I have received, from Mr. Robert Smart, Captain of Her Britanic Majesty's ship "*Indefatigable,*" and an *old* officer of the protective forces, a note, dated the 14th of September last, from Grey Town, to which point he has been sent by the Commanding Officer of Her Majesty's Naval Forces at Jamaica

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Captain Smart was ordered to communicate to the Government of Nicaragua, the tenor of his instructions ——————

"The Treaty which has lately been concluded at Washington, between Great Britain and the United States, for the construction of a Maritime Canal, to connect the Atlantic and Pacific Oceans, having been perversely interpreted by certain parties, as a withdrawal of the protection which the first mentioned power has hitherto granted to the Mosquito nation, Her Majesty's Government has thought proper to locate the forces aforesaid, in Grey Town and its vicinities, for the purpose of showing that it was never intended to make any such concession; and while this measure is taken to secure the rights of the Mosquito King, every facility will be given to the parties engaged in the construction of the Canal across his territory, agreeably to the provisions of said Treaty — In making this communication to the government of Nicaragua, Captain

Britain, notwithstanding the stipulations entered into, and the compromises

——————— Such, Sir, is the substance of Captain Smart's Note, and being fully convinced, as I am in fact, that great advantages will accrue to Nicaragua and to Mosquito, by the removal of all causes of irritation, which only tend to encrease the number of disagreements between them, and to retard that prosperity which is at present dawning upon them, I shall be excused for referring, in this place, to the last paragraph in Mr. Chatfield's note of the 2d of September, addressed to you, Sir, in which he points out "the means by which all existing difficulties can be honorably settled," towards which object every assistance will be given by your most obedient Servant.

Frederick Chatfield, British Chargé d'Affaires at Guatemala City. to Sebastián Salinas, Minister of Foreign Affairs of Nicaragua

[TRANSLATION OF TRANSLATION]

GUATEMALA CITY, *December 5, 1850.*

The Government of Nicaragua having systematically slighted the frequent propositions which have been made to the republic of Nicaragua, in the name of Her Majesty the Queen of Great Britain and Ireland, as representing the King of Mosquito, with a view of determining by means of some formal arrangement, the boundaries, between the dominions of the aforesaid King of Mosquitos, and the territory of the Republic of Nicaragua, Her Britanic Majesty has come to the conclusion, that the interest and comfort of both parties require that this point should not any longer remain unsettled, and, as a proof of the conciliatory spirit which actuates Her Britanic Majesty, on this subject, it has been resolved to declare, that the boundaries of the territory of Mosquito, on that side which is contiguous to Nicaragua, will be considered the same as those which were designated for that Kingdom on the 15th of September, 1821, when Nicaragua, as a portion of the ancient Kingdom of Guatemala, made herself independent of the Spanish Monarchy= This basis being established, the respective localities of the two countries are determined according to the civil and ecclesiastical regulations which have been in force in Nicaragua;—supposing that the towns and villages which are situated on the Mosquito frontier with municipal and parochial authorities, remain as they have been until now,—forming a part and being under the jurisdiction of the Government and Authorities of Nicaragua. The existing incorrectness of Geographical datas, in regard to the interior of Central America, does not allow, for the present, the possibility of determining the latitude and longitude of places appertaining to Nicaragua, at a distance from her Eastern and North Eastern frontier; but circumstances require, that, the general line of the boundaries which her Majesty's government is disposed to maintain, as Mosquito territory, should be designated; the Government of Nicaragua having refused to enter into a friendly discussion, and to appoint Commissioners to that effect, for settling the boundary line between the two territories. With this view, the Undersigned, Chargé D'Affaires of Her Britanic Majesty in Central America, has the honor of informing the Minister of the Supreme Government of Nicaragua, that the general boundary line of the dominions of Mosquito, runs from the northern extremity of the line which separates the district of Tegucigalpa in Honduras from the jurisdiction of New Segovia in Nicaragua, and following close upon the northern frontier of New Segovia, runs off from the South Eastern boundary of the district of Matagalpa and Choutales, and from thence, in an eastern direction, as far as the borders of Machuca, in the River San Juan. In order to avoid all possible mistake or misunderstanding in regard to the villages which have belonged to Nicaragua from the period, previous to her Independence in 1821, there has been annexed to this note, a list of the Parish Districts, and their dependencies in the Diocese of Nicaragua, which, with their respective demesnes and private estates, with their due titles, that are found situated on the Eastern and North Eastern frontier of Nicaragua, it is understood, are considered as without the limits of Mosquito on the frontier of Nicaragua. In conclusion, the Undersigned, in stating that the line referred to above, is that which is considered as constituting the boundary between the two countries, begs to repeat, that her Britanic Majesty is determined to maintain the same, in the name of the King of Mosquito; without relinquishing, on this account, the disposition to negotiate and to

1850, designs to evade the exact fulfilment of the same, by giving a perverse and even a false interpretation to the letter and spirit of the provisions contained therein.

It has appeared to the Government of Nicaragua, that compromises of this nature, the object of which is to assist in carrying out an undertaking of great magnitude, and of immense utility to the Commercial World, ought to have been faithfully complied with, and fully carried into effect, immediately after the Exchange of ratifications between the contracting parties.

Unfortunately, experience has shown the contrary; and proofs are accumulating daily, to the effect, that the only object which Great Britain has proposed to herself, is to evade the compromises aforesaid, and to prolong a state of things which is fatal to the entire commerce of the world, contrary to justice and to equity, offensive to the dignity and Independence of Nicaragua, and injurious to her interests, and to the fostering and developement of her Natural resources. If, to these considerations, we add the insults and vexations, which are daily inflicted by British Officers and British agents who, owing to the want of capacity on the part of the protected Mosquitos, exercise authority in the name of that savage tribe, against the honor, the dignity and the respect due to the government and the citizens of the Republic, it should not be wondered at, if the government and the people of Nicaragua, exasperated beyond endurance, were to overstep the boundaries of that moderation and forbearance, which, until this day, have been the rule and the guide of their conduct.

Nicaragua is well aware, that, under any other circumstances, her interference in the affairs of two Great Foreign Powers, might be liable to censure, as ill-advised and unreasonable; but, in the present case, when the subjects under consideration affect, in so direct a manner, her interests, the integrity of her territory, and her political existence, she thinks it her duty to be vigilant, and to protest, as she does protest through the medium of her

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for the final settlement of these questions.= The Undersigned hopes, that the Government of Nicaragua will perceive the expediency of coming to a friendly understanding with the Government of Mosquito; because it is obvious that neither the canal, nor any other means of communication through the Isthmus can be fully established, until the difficulties which have been started by Nicaragua, upon this point, are settled and put at rest.

The Undersigned avails himself of this occasion, [etc.].

Extracts from the table of Parish districts in the Bishoprick of Nicaragua, Jurisdiction of New Segovia

Segovia—its dependencies—Mozonte and the Ocotal—The town of St. Antonio de Esteli— The Xicaro=S. A. Jalapa=Tepezomoto=S. A. Pueblo Nuevo=Totogalpa and Haquina.———

—District of Matagalpa.—

Matagalpa=S. A. Sebaco=Muimui=San Ramon Xinotega—Teustepet=S. A. Baco Camuapa y Comalapa——Palacaguina—S. A. Condega, y Tespanega—Acoyapa.——

representative, against those acts which bear ostensible evidence of a flagrant violation of solemn contracts and sacred compromises, which are so intimately connected with her political, territorial, and mercantile interests.

The Undersigned hopes therefore, that the Government of the United States, duly appreciating the contents of this despatch, and those of the accompanying documents, will hasten to adopt some measures, worthy of the noble principles which constitute the foundation of American Policy, and in harmony with the good and friendly relations, and the interest, which the Government and people of the United States have manifested, and still continue to manifest daily towards their sister republic of Nicaragua, to which they are bound by so many intimate ties, that are happily being drawn closer and closer between them.

The Undersigned, avails himself of this opportunity [etc.].

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Felipe Molina, Costa Rican Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

WASHINGTON, *May 8, 1851.*

SIR: Having understood that you intend to enter soon into conferences with the Nicaraguan Minister, in regard to the Treaty concluded by Mr. Squiers, the late Chargé d'Affaires of the United States to Nicaragua, with the Government of that Country; and observing that the 35th Article [2] of the Treaty in question, contains stipulations which are evidently injurious to Costa Rica in as much as her right to the joint sovereignty over the Port of San Juan, over the river of the same name, and over the navigation of Lake Nicaragua is not therein taken into account, I make bold to call your attention to that point; and have to request that you be so good as to adjourn the closing of the negotiation alluded to, until you have examined at leisure the documents which I have presented today;[3] and which I expect will leave no doubt in the mind of the American Government as to the justice of the claims of Costa Rica.

I have the honour [etc.].

[1] Notes from Central America, vol. I. Received May 9.
[2] For the text of this 35th article, see above, vol. III, pt. II, footnote 2, p. 360.
[3] See his other note of this date, below, this part.

Felipe Molina, Costa Rican Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

WASHINGTON, *May 8, 1851.*

The undersigned, Minister Plenipotentiary of Costa Rica, has the honor to transmit herewith to the Honorable Mr Webster, Secretary of State of the United States, a Copy of a "Memoir" on the Boundary questions pending between the Republic of Costa Rica and the State of Nicaragua, which he has considered his duty to publish, as representative of that Republic.

He begs likewise to hand the three accompanying manuscript copies,[2] viz:

(A) Copy of the charter granted by the King of Spain in 1540, to Diego Gutierrez for the purpose of settling the province of Cartago (Costa Rica); and conferring upon him the title of Governor. Extracts of other records, referring to the commencement of that Colony are annexed thereto.

(B) Copy of the charter granted by the King of Spain, in 1574, to Diego de Artieda, appointing him Governor and Captain General of Costa Rica.

(C) Copy of a Report sent to the Court of Spain, in 1719, by Don Diego de la Haya, the then Governor of Costa Rica, describing at length the condition in which the Province was at that period.

The portions of those documents that have not been transcribed in the accompanying copies, were only such as appeared quite irrelevant to the subject in question. It is in compliance with the instructions of his Government that the undersigned hastens now to lay before the Honorable Secretary of State the aforesaid Memoir and ancient records for the information of the American Government. He ventures to think that these papers afford the strongest evidence of the justice of Costa Rica in her claim to the territories and rights in dispute, as well as of the moderation that has always guided her counsels; and he flatters himself that their perusal will suffice to secure in behalf of the country he represents the kind interest and good opinions of the Cabinet of Washington, which Costa Rica values in the highest degree and is so anxious to deserve.

Although, as set forth in the report above mentioned, Costa Rica believes she has a clear title to repute as belonging to her dominion, the southern portion of the harbor of San Juan, now occupied under the authority of the Mosquito King, with the assistance of Great Britain,—she has abstained heretofore from bringing forward such a claim out of regard for the friendly relations existing between herself and Great Britain and in the hope of being enabled at some future day, to effect through negotiation a satisfactory arrangement. It will be perceived moreover that the circumstances in which

[1] Notes from Central America, vol. I. Receipt date not indicated.

Costa Rica has been placed rendered this line of policy the only one open to her.

However in the event of any change taking place in respect to the aforesaid port of San Juan, the Republic of Costa Rica will think herself called upon to sustain her claim to it, which is equally as good as that of Nicaragua, and she feels confident that her rights will be taken into consideration and that the Government of the United States will exercise its influence to have those rights duly recognized by Nicaragua, not only in reference to that locality but likewise in reference to the whole frontier maintained by the Republic.

It is hardly necessary to add that having accepted a long time since the proffered mediation of the United States and Great Britain, for the settlement of the questions alluded to, Costa Rica, will gladly and thankfully listen to any suggestions that both Powers may think proper to make on the subject; trusting that some means may be devised to facilitate the earliest and most satisfactory termination of these questions as the interest of all the parties concerned does require.

The undersigned profits of this opportunity [etc.].

1155

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *June 3, 1851.*

MY DEAR SIR: In the message, which the President of the United States, addressed to Congress, on the 22d of July, 1850, relative to the events and the occupation of the Island *del Tigre*, by the British Naval forces, there is, page 180, Document B, a literal translation of a note, which Lord Palmerston addressed to Señor Castellon on the 16th of July 1849,[2] on the subject of the port of San Juan, and the Mosquito Coast.

Having been charged by My Government, to continue the Mission of Señor Castellon in London, I deemed it my duty to reply to said note, stating the grounds upon which Nicaragua bases her rights to the possession of the territory, which the British Government disputes.

As this reply is not to be found in the aforesaid Message, and thinking it may serve to throw some light upon the question, I have the honor of sending the annexed copy[3] to the Department, with a view of its being considered,

ragua fully hopes, that, when the Secretary of State shall have possessed

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José de Marcoleta, Chargé d'Affaires of Nicaragua at London, to Viscount Palmerston, British Secretary of State for Foreign Affairs

[TRANSLATION]

LONDON, *October 27, 1849.*

MY LORD: The Undersigned, Charge D'Affaires of the State of Nicaragua, has the honor to acknowledge the receipt of Copies of two notes, which the Right Honble Viscount Palmerston, Her Britanic Majesty's Secretary of State for Foreign Affairs, addressed to Mr. Castellon, respectively on the 16th & 17th of July last.

The Undersigned, having been instructed by his Government, to continue to cultivate relations of friendship and good understanding between the two countries, and to follow up the discussion of those questions, which may be of interest to the two governments, especially the one alluded to in the first of the two notes aforesaid, he thinks it his duty to address a few remarks to the Right Honble Viscount Palmerston, on the contents of said note, always excepting that portion of it, which relates to the debt of Nicaragua, in favor of English subjects; the latter having reserved themselves for an understanding on the subject, with the Government of the State, through the interposition of Her Majesty's Consul, in Central America.

The bases upon which, the Right Honble Viscount Palmerston thinks it proper to rest his principal argument in the note of the 16th of last July, are, firstly,—that the Mosquito territory did not form an integral portion of the Spanish dominions, in Central America;—Secondly—that in the treaties of 1783 and 1786, between England and Spain, it was less a question of proving the rights of the last mentioned power, as to regulate the relations of British subjects who exercised their industry and carried on their trade along the coast, with the inhabitants of the country, and the authorities which the Spanish Government had established there.

Upon bases like these, the British Government seems disposed to demonstrate the unfairness of the claims of the State of Nicaragua, to the possession of the port of San Juan.

That Spain has always considered the territory and the Coast of Mosquito, as constituting an integral portion of her territory and Sovereignty, in Central America, is an incontrovertible point, and a question, which has already been authoritatively settled; at least it is so proved by the law entitled, "Recopilacion de Indias," n° 6, Chapter 15th Book 2^d^,—a law by which, the administration of Justice in the Kingdom of Guatemala was regulated, which Kingdom literally and textually received as boundaries, the Northern Sea, on one side, and the Southern Sea, on the other. The tenth article of the Constitution of Cadiz of the 19th March 1812, declared that Guatemala, and the interior provinces to the East and West, as well as the Islands contiguous to the two seas, constituted an integral part of the Spanish dominions. Consequently, that Power has always exercised acts of possession and of Soverignty [*sic*] over all those coasts, such as the Royal Ordinance of October 18, 1792, the object of which, was to establish a Custom-house at the Cape of Gracias á Dios; that of February 26th, 1796, declaring the port of San Juan open to commerce; that of March 28th of the same year, for the purpose of encouraging cotton plantations, for building a town, in the port aforesaid, and for constructing flat-boats suitable to the navigation of the river; and, finally, the ordinances of the 5th and 20th November 1803, granting privileges to those who might come to settle at Rio Tinto, at Bluefields, and at Cape Gracias a Dios.

The Undersigned does not believe, that any argument or solemn protestations, on the part of the British Cabinet, can set aside the legal declarations and Royal Ordinances above mentioned. He knows only that England has always recognized the Spanish Government, and that the recognition of the Constitution of Cadiz, of March 21, 1812, contained no reservation whatever. It is most true, however, that British Subjects, had previously gone to establish themselves on the Mosquito Coast; that one of the governors of Jamaica, Lord Albermarle, was the first to give the title of King to one of the chiefs of the wandering tribes that overrun the territory of Mosquitos; but, independently of the fact, that such establishments, and such concessions, cannot constitute a right, it is also clear, that, in consequence of certain claims, on the part of Spain,

himself of the contents of the document herewith enclosed, he will allow it to exercise a proper weight, in the estimate of the justice and reason, that concur on the side of Nicaragua, in this vital question of her political exist-

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of which stipulates, firstly—the demolition of the forts which have been erected in the Bay of Honduras, and in other parts of the Spanish territory in the New World. Secondly—the guarantees and concessions, which the Spanish Government had granted to British Subjects, engaged in cutting, transporting, and freighting logwood, with perfect enjoyment of those advantages *on the coasts*, and other portions of the American Continent subject to Spain.

Causes and motives, which, are already known, subsequently led to the conclusion of the treaty of 1783, and to the convention of 1786, concerning which, it would be useless to enumerate the articles, having special reference to the object, now under discussion.

All these acts, having again received the sanction of the two governments, serve to prove, that Spain maintained, and that England recognized, the rights which the first mentioned power exercised over those countries; for, how could it be possible that the British Government would have consented to abide by, and to submit to certain conditions and stipulations, and to conform to territorial boundary lines, which had been drawn by a Power, in a country, which did not belong to it? It would have been more regular and more rational, for Great Britain to have treated directly with the Sovereign, or with the government of that country, if there had really been one in existence! It is most true, also, that the word frontier occurs in the 14th article of the convention of 1786, but the undersigned, is induced to believe, that the introduction of this word, originated in some slip of the pen on the part of the writer, rather than in the existence and conviction of such a fact, because that word, is flagrantly at variance with the sense and the text of the other articles, contained in the treaty of 1783 and in the convention of 1786.

The term frontier, moreover, indicates certain points of separation already agreed upon; it is a line of demarkation between two neighbouring countries, foreign to each other, established by competent authority, and by Commissioners appointed *ad hoc* by the parties interested. Is there any act of this description, in existence, therefore, which could be cited, in support of the interpretation, which, the Right Honorable Viscount Palmerston, thinks it his duty to give, to the 14th article of the aforesaid convention?

Again, it is generally recognised, as a principle, that all treaties, besides the signature of Plenipotentiaries, must also contain a pledge of honor, morally given by the high contracting parties, for carrying out the provisions of such treaties, not only in regard to the letter of the same, but in relation to the very spirit of the clauses inserted therein. The British government was perfectly well aware what were then the interests of Spain, in negotiating about the matter; nor was the said British Government ignorant of the fact, that the latter power would not have signed those conventions, if England had refused to recognise the rights, which Spain was exercising over the territory and the Coast of Mosquito.

The term frontier, therefore, which is mentioned in the despatch of the Right Honorable Viscount Palmerston, can only refer to the demarkation of certain points, which separate two countries already civilized, from those that are not so: as it is the case in Brazil, and in the United States of North America. The acts of the Governors of Jamaica,—Lord Albermarle and Sir Dallas,—being of a date, long previous to the stipulations and the treaties mentioned above, cannot serve as precedents, for the purpose of establishing an actual right, seeing that the tendency of these very treaties, is to destroy the traces of such acts.

Having already proved, that Spain exercised Sovereignty over the territory in question, and that England had recognised that Sovereignty, by public and solemn treaties, the Undersigned is of opinion, that Central America, and, especially Nicaragua, could claim to exercise the rights belonging to them, in virtue of the very act of Independence, and a possession which has neither been interrupted nor disputed, until these latter times, without incurring the application of the *res inter alios*, in as much as the same,

tory, such as the coast and country of Mosquitos.

I avail myself of this new opportunity [etc.].

American States, because the political condition of those States, was considered as a positive fact.

Nicaragua, then, has been at liberty, freely and legitimately, to exercise her rights of sovereignty, over the whole extent of her territory; and Great Britain has never dreamed, since the period of the independence of that State, until recently, to support, what are called, the rights of the Mosquito Chief; but on the contrary, she recognised the various constitutions of the country, where the boundaries had been legally defined. At the period, when the confederacy of the States, contracted a loan with the House of Barclay, the Cabinet of St James, entered no protest, in regard to the guarantee which was given to that House, based upon the revenues of the port of San Juan.

The Right Honorable Viscount Palmerston declares, in his note of the 16th of July last, already alluded to, that in his opinion, and according to the opinion of several other authorities, the territory of Mosquito comprises the mouth of the river San Juan.

Admitting this hypothesis, for an instant, the government of Nicaragua, is, and ought to be, very much surprised that Mr. Christie, should, on his own authority, have carried the boundaries of that territory, beyond the mouth of the Serapiqui, 30 miles above, and as far as the rapids of Machuca. The Government of Her Britanic Majesty is sufficiently just and sufficiently enlightened, to understand, that this invasion has been accomplished, without any participation on the part of the Government of Nicaragua, which was not consulted on the subject, nor yet apprised of the fact, nor even called upon to maintain its rights, in that division of territory. The aforesaid government has been obliged to yield before the necessity, imposed upon it by superior force, although in hope that the British Government, would not turn a deaf ear, to the voice of justice and of reason.

If, on one side, the Right Honorable Viscount Palmerston, believes himself sufficiently justified, in approving and sustaining what has been done at the port of San Juan, since the first of January 1848, down to this day, the Government of Nicaragua, on the other side, has reasons, no less equitable and powerful, to vindicate its rights, with that moderation, which characterizes it, and, at the same time, with that persistency of purpose which is derived from conviction, and from the Justice of the cause it advocates, without giving up the hope, that its claims will finally be listened to, and duly appreciated, by a just and enlightened Government, which prides itself upon its adherence to principles of distributive justice, which do not allow an interested party to constitute itself Judge of a matter in dispute.

Consequently, the Undersigned is thoroughly convinced, that the government of Her Britanic Majesty, will not fail to submit the question now pending to arbitration; to which decision, the government of Nicaragua submits, in advance; as a proof of the desire which actuates it, to preserve friendly relations with the British Government,—relations which may lead to a happy future, by developing the mercantile resources of the two countries, called upon respectively, to fulfil a great destiny,—a destiny, which one of them, has already, most fortunately achieved, and which the other might easily attain, if the immense natural advantages she possesses, in every point of view, are not stifled in the birth.

The Undersigned is also fully persuaded, that the Right Honorable Viscount Palmerston will please to take into serious consideration, the contents of this despatch, and accede to the propositions mentioned above, as the only, and most efficacious mode, of terminating the question, in a manner, at once, the most honorable for the British Government, and the most advantageous to both countries.

The Undersigned avails himself of this occasion, [etc.].

1156

Justo Chamorro, Minister of Foreign Affairs of Nicaragua, to Daniel Webster, Secretary of State of the United States [1]

[TRANSLATION]

MANAGUA, *June 4, 1851.*

The undersigned Minister of State and of the office of [Foreign] Affairs of the Supreme Government of this State has the honor to inform Your Excellency that on November 8, 1849, Nicaragua concluded a treaty with the Supreme Governments of the States of Honduras and El Salvador in which it is stipulated that they unite and confederate, forming a Body which would be called *Representacion Nacional de Centro-America* [National Representation of Central America]: that the said treaty was solemnly ratified by the Legislative Power of each of the Contracting States and their ratifications exchanged in due form; and as a result the Federal Power has been organized, having its seat at the present time in the City of Leon.

The above-mentioned agreement entrusts foreign affairs to the *Representacion Nacional* and the Government of which the undersigned is an instrument has directed him to communicate this to Your Excellency in order that you may be informed as to the authority with which you should deal in the future in relation to such matters; he hopes Your Excellency will be so good as to acknowledge the receipt of this communication, to which he has the honor [etc.].

1157

Felipe Molina, Costa Rican Minister to the United States, to Daniel Webster, Secretary of State of the United States [2]

WASHINGTON, *June 21, 1851.*

SIR: In compliance with your desire I here proceed to state to you, what I consider to be the pretentious claims and rights of Costa Rica with respect to the river San Juan, and the territories in dispute between her and Nicaragua. They are as follows:

The Republic of Costa Rica maintains in my opinion, with perfect justice and on the most clear titles, as her frontier, the whole course of the river San Juan and the shores of the Lake of Nicaragua from the place where that river issues from the Lake to a point opposite the mouth of the river La Flor on the Pacific; including of course in this demarcation, the district of Guanacaste otherwise called Nicoya. Costa Rica likewise claims an equal right with Nicaragua to the navigation of the aforesaid river San Juan and of the Lake

demonstrate in open conferences or debates with the Minister of Nicaragua.

Consequently my Government is under the impression that no interoceanic communication ought to be established through the Port, River and Lake in question, without the consent of Costa Rica, and her participation in all the direct and indirect advantages to be derived from said undertaking, and that Nicaragua when contracting for said enterprize on her sole authority has encroached on the rights of Costa Rica.

Nicaragua on the other hand assumes that she has a right to the exclusive navigation of the river San Juan, and of the Lake: that the Port of San Juan appertains solely to her: that the territory of Costa Rica does not extend to the southern bank of the river San Juan, but instead of that ought to be bounded by a line drawn from a point on the Atlantic, situated midway between Port San Juan and Port Matina to the river Salto; and finally that the district of Guanacaste is a part of Nicaragua and not of Costa Rica.

In order not to make this communication too long, I refer you, for the grounds on which the case of Costa Rica principally rests to the memoir and documents, that I have had the honor to transmit to you, and of which, I beg to call your attention to the annexed extracts (Enclosures Nos. 1 2 & 3).[1]

Having thus briefly stated what I consider to be the right of Costa Rica, I shall venture as briefly as possible to indicate the manner in which it appears to me, the differences between her and Nicaragua may be amicably arranged.

The first observation here to make, is that I am prepared to enter into an engagement in the name of my Government, that all the questions should be settled by the arbitration of the United States and Great Britain, it being understood that if they (the said Powers) differ in any point, that difference should be decided by reference to a third power on whom they should mutually agree; Spain from the afinity which still exists between the people of Central America, and the country from which they take their origin, is the state which appears to me, would in case of a necessity of any such a third arbiter, be chosen with most satisfaction to both the interested parties.

You may however furthur require from me what I think would be the most just and easy mode of settling by adjustment or compromise those questions on which it may be difficult to form any absolute decision. With regard to this point, having already called your attention to the fact that Nicaragua has not only assumed to herself the sole right of navigating the river San Juan, but has actually granted that and other rights appertaining thereto, to a Company, without any consultation with, or benefit conferred upon Costa Rica, I should suggest in order not to interfere with the great work at present contemplated, that Costa Rica should consent to the grant that has been made by the state of Nicaragua, without deriving any benefit whatsoever therefrom (it being always understood that she retains the right of transit

upon the same river,) in consideration of some equivalent. The first and most natural thing to conceive, is that which in reality offers no point of dispute, namely: the territory to the south of the Port of San Juan, which I think I can without hesitation, assert, is already indubitably the right of Costa Rica.

The second would be the abandonment of Nicaragua of her claim over the territory of Guanacaste. If however, it were found more convenient, for the general settlement, that the town, now called Greytown, and occupied by the Mosquito People under the protectorate of Great Britain, should be ceded to the Government of Costa-Rica, together with a certain territory adjoining thereto, in virtue of some concession made by Costa-Rica, with regard to a portion of the territory of Guanacaste, lying on the Lake and on the river San Juan; Costa Rica would accept this arrangement, though she would do so to her disadvantage, inasmuch as she could derive no particular benefit from it, for the following reasons. 1st, Possessing as she does a legitimate right to the southern side of the harbor, the a[c]quisition of the northern side is not an object of vital importance to her. 2d, If after resigning her share in the profits of the interoceanic route, which is in itself a consideration of immense value, Costa Rica is to give besides a portion of Guanacaste, she would have then given more than she receives. 3d, The lands of Guanacaste are of a far greater value to Costa Rica than the territory on the northern side of Port San Juan, because the former are bordering on the towns and castle-estates of the Republic. 4th By the dismemberment of a portion of Guanacaste, Costa-Rica would lose a part of that natural and well defined line of boundaries which she is intent on maintaining, and which has been of the greatest consequence since the two countries (Costa Rica and Nicaragua) became separate nationalities.

This last suggestion brings me to a point which is now of much importance and on which you have requested my opinion; to wit: "In what manner the question as to the occupation of Greytown, if the Mosquito Government is withdrawn therefrom, can be arranged." One mode of disposing of this matter is that which I have just alluded to. Another would be that of placing the Port of San Juan under the joint rule of the five Republics of Central America, in which case Costa Rica would cede a certain extent of territory on her side of the harbor, in favor of such a union. This plan offers the advantage of affording a common object to the alliance of those Republics amongst themselves.

A third manner would be, that, if Nicaragua could in any way obtain from Great Britain the transmission of Greytown to herself; and from Costa-Rica the cession of all those profits that the latter might be entitled to derive

simply, our whole line of frontier and our right of transit over the waters of the river San Juan and of Lake Nicaragua. As this however involves the consent of Great Britain, which it may be difficult to obtain, I can only speak of it as an arrangement which would be received with satisfaction by my Country.

Before concluding these remarks I should wish to draw your attention to a subject bearing on the preceeding questions and especially connected with the general happiness and prosperity of Central America; namely, "the expediency of devising some mode either by mediation on the part of the two friendly Governments of Great Britain and the United States or by the construction of some board of arbitrement formed by the different States of Central America themselves for the peaceful adjustment of all subjects of litigation which may give rise to unnecessary wars between them.

I add a short memorandum [1] as to what I know of the Mosquito Coast from the period of its discovery to the present time.

I take this opportunity [etc.].

[1] The following is the text of this memorandum:

MEMORANDUM ON THE MOSQUITO COAST

WASHINGTON, *June 21, 1851.*

The lands on the northern side of the river San Juan, from their discovery by the Spaniards to the present date, have always been unoccupied. There lies Mosquitia called by the Spaniards Tologalpa (see Juarros) which during the Colonial period, was considered as a province or rather a territory of the Government of Nicaragua. It is a curious fact that the Mosquito Coast, was included in the charters granted by the Spanish Monarchs to the first settlers of Costa Rica. The principal attempt made by the Spaniards to colonize that territory, was the foundation of the city of Jaen, about thirty leagues North of the river San Juan, which took place nearly two centuries ago, but that city was not long time in existence. I believe they never tried to form any establishments on the sea coast, but in several instances they undertook, although unsuccessfully, the civilization of those indian tribes bordering on the settled portions of Honduras and Nicaragua.

The insalubriousness of the climate, the scanty numbers of the aborigenes and the depredations of pirates, were a constant check to the colonization of that territory. It is next to impossible to colonize such countries, without finding on the spot the assistance of plenty native labour, or undertaking the importation of africans or some other dark race from elsewhere.

The river San Juan was known to the spaniards from a very early date, but they only erected two military settlements on its banks, namely: the Fort of San Carlos, at the place where the river starts from the Lake, and another Fort, twelve leagues below, built at the end of the 17th Century, on the southern bank, which was then called "Castillo de la Concepcion" and at present is known by the name of "Castillo Viejo" on account of its having been abandoned and fallen to ruins, since the beginning of this century.

Besides those Forts, military guards used to be posted in times of war, all along the river as far as its entrance into the Atlantic.

It was not until after the independence, in 1824, when the Federation of Central America having been organized, a Custom House was established at the Port of San Juan, and a small garrison was placed there, and a few people began to collect under

Felipe Molina, Costa Rican Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

WASHINGTON, *July 9, 1851.*

The Undersigned Minister Plenipotentiary of Costa Rica, begs leave to acquaint the Honorable Secretary of State of the United States, that the Government of the Republic of Guatemala, being desirous of cultivating the friendly relations already existing between that Country and the United States and of promoting some important negotiations, with a view to secure the general peace and prosperity of Central America, has been pleased to appoint the Undersigned, its Chargé d'Affairs near the Cabinet of Washington.

This appointment made in conformity with a Treaty existing between Costa Rica and Guatemala, wherein it is provided that the diplomatic and consular agents of either Country, shall represent the other whenever their services are required, is the more flattering to the Undersigned as it will afford him new opportunities of intercourse with the Statesmen of this Great and Happy Nation, whose example, good will and advice are destined to exercise henceforth, it is to be hoped, the most beneficial influence in the affairs of the Central American States.

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the least exertion in order to extend to the Port the effects of the political change or revolution. That was a natural consequence of our general peacefull movement for the emancipation, a movement which met with no resistance on the part of the Spanish Officers. There never existed at San Juan, any curacy or ecclesiastical administration. The population has never been so great as it has become after the occupation of the place by the Mosquito Authorities.

If England could be prevailed upon to transmit the Protectorate of the Mosquito Indians to the joint management of the five Central American Republicks, under such conditions as she might think proper to stipulate for the benefit of the Indians, I conceive that this would be the most satisfactory solution of the present difficulties.

It is an undeniable fact, if we consult the international Treaties between England and Spain, and, Spanish Historians, that the English Government has for centuries back, exercised a certain kind of interference in the affairs of the Mosquito Coast. Although the population of that territory is very small, not exceeding perhaps upwards of five or six thousand souls, including pure indians and people of african descent, they are entitled to consideration, and have the right of living in a separate community; but I presume that, if Great Britain saw the possibility of securing the wellfare of the Mosquito People, by organizing an efficient Union in Central America, she would have no objection to transfer the Protectorate to the Central American Republicks.

The realization of this scheme, would indeed require that the United States and Great Britain, should interpose efficaciously their combined mediation in order to put a stop to all the existing difficulties amongst the Central American Governments. It would suffice in my opinion that the High Mediating Powers should manifest their philanthropic views on the subject.

FELIPE MOLINA.

[1] Notes from Central America, vol. 1. Received July 9.

This document and the reply to it, of the same date, above, pt. 1, this volume, do not, as explained in the general preface, in the first volume, properly come within the scope of this

Trusting therefore, that no objection will be perceived to his admission in the new character of Representative of Guatemala, the Undersigned begs to transmit herewith a copy of the credentials sent to him; and requests the Honorable Secretary of State, to tell Mr. Molina when he may be allowed the honor of waiting on Mr. Webster, in order to deliver the original of the same.

Mr. Molina profits of this opportunity [etc.].

1159

Henry Savage, in charge of the Legation of the United States, in Guatemala, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACT]

No. 8 GUATEMALA CITY, *July 12, 1851.*

SIR: . . . In my despatch No. 6,[2] I transmitted to your department, several documents, relative to a proposed protectorate of these States under the auspices of Great Britain, Spain and the United States. A few days ago Mr Chatfield H. B. M. Charge d'Affaires, in conversation, alluded to the subject and read to me, the reply of Lord Palmerston, to his despatch in relation thereto, the purport of which is that Guatemala must look to her own resources for means of defence and not depend on foreign powers for protection. . . .

Very Respectfully [etc.].

1160

Propositions of the Minister of Nicaragua to the Governments of the United States and of Great Britain [3]

WASHINGTON, *July 12, 1851.*

1. The devolution to Nicaragua of the Port of San Juan.

2. To submit to the decision of arbitrators, the question of boundaries that exists between Nicaragua and Costa-Rica; but the latter shall have in

[1] Despatches, Guatemala, vol. 3. Received October 4.
The two omitted portions of this despatch are not pertinent to this publication.

[2] Above, this part, April 21, 1851, doc. 1151. The documents, referred to, are in note 2 thereto.

[3] Notes from Central America, vol. 2.
From the document, copied below, from British and Foreign State Papers, vol. 40, pp. 1076–9, a despatch of July 28, 1851, from the British Minister Bulwer to Foreign Secretary Palmerston, it appears that these "Propositions of the Minister of Nicaragua" were made as his counter proposal, in view of a proposal which Bulwer said he made, and, Molina, the Costa Rican minister, accepted at a conference of these three, in the presence of Secretary

the meanwhile the right of the free navigation of the waters of the River San Juan, with sailing vessels, between this port and the mouth of the River Serapiqui.

3. The arbitrators shall be the United States and England, and in case of appeal or of discord, Spain and Belgium shall be requested to decide.

4. The Government of Nicaragua promises to declare as a free port that of San Juan, and any other on the Pacific which it should be judged convenient, for the greater facility of the inter oceanic communication.

My proposal was, that a meeting should take place between M. Marcoleta, M. Molina, Mr. Webster, and myself, and that we should there frankly expose before each other what our separate views were, and see whether we could not, as the result of a conversation, come at once to some agreement.

This interview took place on the 11th of this month. I will not trouble your Lordship with a detailed statement of all that there occurred; suffice it to say, that, finding it utterly impossible to enter even upon the consideration of any arrangement which made over Greytown to Costa Rica, I told Mr. Webster that I would consent to such a Convention as that which your Lordship indicated to me in your last instructions upon this subject.

M. Molina, on the part of Costa Rica, fully assented to my proposition.

M. Marcoleta dissented; and gave in a proposition of his own, which I here inclose. This proposition I in my turn refused, as unacceptable.

Mr. Webster then spoke; he said that he could not urge Her Majesty's Government to accept M. Marcoleta's offer, which deferred matters to a long protracted and indefinite issue; and the bent of his other arguments was to show that, though there might be some little objections to be made, here and there, to the plan I had suggested, it was, upon the whole, such a one as it was for the interests of Nicaragua to accept. "Let me, however," he added, "be understood clearly; the policy of The United States' Government is to take no active part in any question which does not immediately concern its own peculiar interests; the only immediate interest of The United States, Government here is the construction of a canal across the Isthmus upon such terms as would be fair to American commerce. The occupation of Greytown is so far indirectly connected with this question as to give us a concern in it, and inspire us with a friendly desire to settle amicably all differences about it. But it does not so immediately and directly affect us as to make us take any active part either for or against the different claimants. I do not urge you, therefore, M. Marcoleta, either to accept or to reject any particular conditions. I can only give you such counsel as you may wish to receive from me, and inform you precisely as to the position in which I consider that my Government stands in regard to yours."

On M. Marcoleta's observing that it was, at all events, satisfactory for him to hear what the precise views of The United States' Government were, Mr. Webster said, "Have you powers to go beyond the proposition which you have now made? If you have such powers we may talk over the matter further and see what can be done; if you have not, you had better try to obtain them."

M. Marcoleta said he had not powers to go further than he had done, but that he should inform his Government of what had taken place, and endeavour to obtain new instructions.

Mr. Webster then observed, that the point which struck him as the one of most difficulty was, the extent of the concessions to be made to Costa Rica if Nicaragua received Greytown.

On this he seemed to think that M. Molina and M. Marcoleta might come to some compromise, and he advised them to talk that portion of the subject over together. M. Molina seemed to think that his Government might possibly make the sacrifice of

with the Government of Her Britannic Majesty, in whose preamble, or in any other of its Articles, shall be declared the regret that inspires the 2 High Contracting Parties, that the character and the expression of their relations till this day have not been such as it would have been expected between 2 nations and 2 friendly Goverments; and they will promise each other that henceforth they will keep the most benevolent relations.

J. DE MARCOLETA.

1161

Felipe Molina, Guatemalan Chargé d'Affaires at Washington, to Daniel Webster, Secretary of State of the United States [1]

WASHINGTON, *July 17, 1851.*

The undersigned, Chargé d'Affaires of the Republic of Guatemala, has the honor, in the discharge of his duty, to address himself to the Secretary of State for the purpose of stating the objects of his mission.

In the first place, the undersigned has been instructed to assure the Honorable Secretary of State that the Republic of Guatemala is, and will always be, disposed to proceed, in her relations with Foreign Powers and their citizens and subjects, in conformity with the general principles of justice.

The Government of Guatemala is likewise animated by the earnest desire to maintain constantly the most friendly intercourse with the Government of the United States, and to this end, the undersigned has received special injunctions to promote the exchange of the ratifications of the Treaty of Commerce concluded in Guatemala on the 3d March, 1849, by Mr. Hise on the part of the United States. However, as it appears that the duty of procuring that exchange has already been entrusted to the Honorable Mr. Kerr, the present Chargé d'Affaires to Nicaragua, who, by this time will have arrived in Central America, this circumstance is only mentioned as evincing the anxiety of the Guatemalean authorities to confirm by solemn compact the good understanding fortunately existing between the two countries.

It may be proper to add in this place, that the Government of Guatemala, actuated not only by a due regard for equity and its own reputation, but influenced, also by these freindly feelings, will endeavor to come to a prompt and satisfactory adjustment in respect to the pending claim of Dr. Weems, American Consul in Guatemala, for losses he alledges to have suffered during the internal convulsions of the country in former years.

It will be one of the duties of the undersigned to explain the political situation of Guatemala in regard to the Governments of the different States of

lanthropy, and for the credit of the Republican Institutions adopted on this Continent, will be induced to exert its moral influence and admonitory mediation in order to put an end to that perpetual agitation, which has disgraced the name of Central America.

It would be inappropriate to the subject of the present communication, and beyond its compass, to enter here into a detailed account of the vicissitudes and political transformations through which the States of Central America have passed from the moment when they separated from the Mother Country to this hour. But on the other hand, it seems proper to take a retrospective view and to point out some prominent facts, which may assist in the better understanding of the actual state of affairs in that region. The undersigned, relying on the indulgence of the Honorable Secretary, will at once undertake this task.

It is well known that Central America, before the Independence, was consolidated under the rule of a viceroy, appointed by the Crown of Spain, the city of Guatemala being the seat of Government—but from the very moment that the emancipation was achieved, a fatal spirit of disorganization became apparent throughout the country. The large towns of the Provinces, such as Cuidad Real in Chiapas, Comayagua in Honduras, Leon in Nicaragua, and others, chose to renounce their allegiance to Guatemala, the viceregal capital, and resolved on annexation to Mexico, whilst the secondary towns, such as Tustla, Comitlan, Tegusigalpa [Tegucigalpa], Granada, and others, took a different course from that of their provincial capitals, and persevered in the connection with Guatemala. In the province of San Salvador a course the reverse of this was pursued, while Costa Rica, with a praiseworthy circumspection which has ever since characterized it, adopted a perfect neutrality.

Guatemala, at last, following the will of the majority, consented to the annexation to Mexico. This was the act of the provinces, yet Guatemala has unjustly borne the blame of it and also the evil consequences which resulted—among others, the war with Salvador in 1822 & '3.

Such was the first stage of the revolution. Next came the Federation. The Mexican rule being at an end, and a convention of representatives, elected by the people from all the provinces, except Chiapas, composing the Vice Royalty, having met in Guatemala, the Federal form of Government was adopted. Having formed the resolution of organizing the country after the model of the American Union, that convention issued in 1824, what was called the "Federal Constitution of the Republic of Central America;" but regard for truth compels the undersigned to say that it was an unfortunately attempted imitation, and proved in the sequel, as will be hereafter shown, a complete failure. Indeed its resemblance to that master piece of human

ance, there existing in fact no analogy whatever as to the foundation and pillars of the structure.

This is not to be wondered at, when one considers that the authors of that constitution, notwithstanding their patriotism, good intentions and general enlightenment, had no practice whatever in self-government, and their notions of the American system were extremely imperfect, their information on the subject, and even all their speculative theories, being at that time derived from the works of French writers, who themselves had not paid much attention to the study of American institutions up to the time M. de Tocqueville published his celebrated essay.

Great allowances therefore ought to be made as to the Central American Constitution of 1824 for the defects which are conspicuous therein. If any person, conversant with this topic, were to be told that the powers of the General Government were not clearly defined; that the Senate in its collective capacity had not an equally powerful action with that of the other branch of the Legislature, directly representing the people of the nation; that the popular branch was authorized to pass, by the votes of two-thirds of all its members, any bill rejected by the Senate and it became law thereupon; that the executive had no veto or other means of control over the Legislature, and was consequently too weak; that there was no equality in the representation of the States—Guatemala being entitled by its population to send to the omnipotent House of Representatives members equal almost to one-half the whole number of the House: if he were, finally, to know that the Federal Judiciary was badly organized and never called into action; that the States were not left at liberty to form as they pleased their internal governments, but had to conform with certain rules and restrictions,—he would perceive at once that such a system could not work well, and that it had a strong tendency to give to Guatemala a preponderating and pernicious influence over the whole, which that city would never have acquired as the centre of a consolidated Government.

Besides the difficulties attendant on these radical defects, the establishment of the Constitution had to encounter many others. The system of requiring a double set of functionaries was found to be rather too expensive for the resources of a poor country. It required a number of intelligent practical individuals to fulfil the public functions of the states and of the Union, greater than could be easily afforded, whilst the habitual practice adopted by the States of keeping in pay a large armed force made things worse; and their old jealousy against Guatemala embittered every transaction. No Federal District was created. The city of Guatemala, being at the same time the seat of the General Government and of the Government of the State of that name until 1836, when San Salvador was declared the

What might have been expected from such premises soon happened. Two years had hardly elapsed after the Constitution was promulgated, when the collision between the National and the State Governments began—giving rise to a protracted and bloody contest, which lasted three years, from 1827 to 1829. There was a second war in 1832, and after fifteen years of fluctuating and disastrous struggles, the Federal Government, always attacked, always tottering, never firmly established, never well obeyed, had finally to succumb in 1839 & '40 under the reiterated assaults of Honduras and Nicaragua.

The supporters of the constitution of 1824, with few exceptions, are much to be blamed for this melancholy result, on account of their delay in complying with the reforms demanded by the States. When they yeilded [*sic*] them, it was too late, and nothing but the instant suppression of the Federal Government would satisfy them. Nor did Guatemala reap any advantages from the superior position which the Constitution secured to secure to that State. On the contrary, it was to her a constant source of sacrifices in men and money, for the support of the Federation fell almost exclusively on her. The other States, first one, and then another, appropriated to themselves at different times the Federal Revenues. Although Costa Rica was an honorable exception, the proceeds in that quarter were not very considerable. Indeed, the Federal Constitution being nothing but a burthen, it weighed more heavily on that party which was most loyal to it, which nurtured and upheld it in '27 & '32 against the attacks and secessions of the other associates.

Guatemala, nevertheless, has been inculpated for the imperfections of a system and the calamaties attendant upon it, which were the effect of the inexperience of all.

In the last years of the Federation, the opinion began to prevail, that to restore the equilibrium in the Union, Guatemala ought to be divided into different sections, and a new state formed under the appellation of "Los Altos." With this view, a revolution was promoted, and, taking advantage of a very difficult crisis in which Guatemala was at that time involved, four departments were dismembered from her territory, without her consent, which was reputed necessary according to the Federal Constitution. This separation, evidently the work of a few imprudent individuals belonging to the city of Quezaltenango, did not long subsist. The mass of the inhabitants, for the most part composed of aboriginal indians, never approved of it. They were content under the allegiance and mild laws of Guatemala; and it was a very fortunate circumstance, because the white population there—being but a small part of the whole—could never if left alone maintain by its resources the mastery over the land.

necessary the territory of Guatemala, which had seceded from the Federation but stood on the defensive, and having been defeated, the districts composing Los Altos demanded with a unanimous voice their reincorporation to Guatemala.

From that period, (1840), the Federal compact was considered by all as no longer in existence, and every State assumed the full exercise of its sovereignty. They were at entire liberty either to form a new connection by uniting in one body, or to proclaim themselves separate, independent Sovereignties.

And let it be remembered, that the States of Honduras and Nicaragua had the most active part in the destruction of the Union. They were the only ones who acted on the offensive, and carried on a bloody uncompromising war against the Federal Government: Costa Rica, like Guatemala, standing on the defensive: Salvador and Los Altos supporting it.

The dissolution of the Union is an event much to be deplored. It cannot be denied, however, that from that epoch all the States have improved more or less in their internal administration; having at their disposal all their respective financial resources. Hence the prepossion against the Federal system, which it is now difficult to eradicate.

Guatemala, left alone, soon contrived to introduce regularity into the management of its own affairs, and began to make rapid progress in the way of internal improvements. Nevertheless, she felt reluctant to relinquish the hope of a Union with her sister States. She entered gladly into the projects successively formed to hold Diets, or Conventions of Delegates, at Chinandega, Nacome, and Sonsonate; but the attempts having proved fruitless through the default of one or the other States, it was at last deemed advisable for Guatemala to take a definite position before the world by declaring herself an independent Republic, which she did on the 21st March 1847: this act being confirmed in 1848 by the Constituent Assembly of the Country.

After it, the Government of Guatemala continued to follow, as it had done before, in regard to the other States, a freindly and peaceful policy, on the strict principle of non-interference—minding only her own affairs. It was well that Guatemala pursued this course, as the middle States of Salvador, Honduras, and Nicaragua, which had joined in a kind of alliance, lived in constant broils among themselves.

Unfortunately, in 1848 a rebellion, having no object but license, pillage, and the overthrow of the fundamental laws of society, broke out in some of the mountainous districts of Guatemala, which the Government has had much trouble in putting down, owing to the assistance the rebels received from the neighboring States. It has been protracted for the last three years—

civilization. The difficulty of terminating a warfare of this nature is well known to all, but, by dint of perseverance and good judgement, the Government of Guatemala has succeeded at last in quelling the insurrection, which may now be considered as extinct.

Nor was the design of Guatemala's enemies confined to this. New schemes of dismemberment were encouraged both in "Los Altos" and in Chiquimula. But with the aid of Providence, this devoted country has come out of all these perils triumphantly.

Although Guatemala had just cause of complaint for the conduct observed by the Governments of Salvador and Honduras, who publicly protected, and furnished with arms and ammunition, the rebels of Guatemala, yet this Republic abstained from any retaliations upon those governments, and confined herself to courteous and freindly representations.

This was the situation of things in the year 1850, when the rulers of Salvador and Honduras, without provocation, without any justifiable motive, without any great question at stake, and without any previous explanation, laying aside all considerations of international law, of equity and expediencey, conceived the design of waging war against Guatemala with the avowed purpose of interference and dictation in the political condition of that country, — the administration of which they contemplated to change according to their own views. They combined their resources, mustered their forces, took the field in great array, and invaded the territories of Guatemala with an army of 5000 men,—announcing their march by an imperative intimation to surrender, and expecting to crush that Republic.

Their dreams soon vanished. The aggressors were completely defeated in the first encounter on the 2d of February 1851, on the plains of "La Arada," near Chiquimula,—retreating before a number of troops, infinitely smaller,—leaving behind a large number of killed and wounded, besides arms and ammunition. The victorious army thereupon marched in pursuit of the fugitives, and penetrated into the Salvadorean territories as far as Santa Ana.

But Guatemala was not blinded by that splendid triumph of her arms; on the contrary, she ordered the immediate withdrawal of her conquering soldiers, and, without minding how this step might be interpreted by her adversaries, she took measures to secure peace and the cessation of existing evils. She acted generously; she claimed no indemnity; she demanded no sacrifices in satisfaction for that unprecedented violation of international law, for the destruction of property, for the blood shed, nor for the outrage inflicted. She was content to see that the Legislature of Salvador condemned their Executive; expressed public regret, and ordered peace to be made. The promoters of the war had retired from office and the chief

But these flattering hopes have been disappointed in a manner that will be explained.

It is known that the States of Salvador, Honduras, and Nicaragua formed a confederacy by a Treaty signed on the 8th November 1849, to be represented by a body, called the "Diet of six Delegates"—two for each State. The Diet met in Chinandega, and appears at first to have shown an inclination to promote peace,—having, on the 20th January 1851, on the petition of the Delegates of Nicaragua, proceeded to ordain the cessation of hostilities to the governments of Salvador and Honduras. This injunction was disregarded by those governments, and the invasion perpetrated.

Credit is due to the Diet for that measure, but its subsequent acts have not been consistent with it, and leave a doubt as to the motives. If that committee's desire for peace was sincerely entertained, nothing was wanted after the battle had been fought, but to leave at liberty the new Executive of Salvador. The Diet prevented a good understanding; took the affair in its own hands, and appointed Commissioners to negociate in its name, on the plea that the regulation of war, peace, and foreign affairs appertained to itself, according to the act of confederacy of the three States.

This would have been really a very plausible argument; if the Diet had possessed a well established character; if every one of those three States had not continued to exercise acts of absolute sovereignty after the meeting of that body, and if the orders of the Diet for the suppression of hostilities had not been disobeyed with utter contempt by the Governments of Salvador and Honduras.

The government of Guatemala has, therefore, declined to enter into any negotiations with a power, the existence of which is not yet firmly settled, and duly obeyed by the same parties that created it,—which, does not offer as a preliminary any atonement, or, expression of regret for the injury done to Guatemala; and which appears obviously to interpose in the matter, less with a view to promote reconciliation, than to screen the war party in Salvador, which on the appearance of the Commissioners recovered power, and thus led to a second change in the administration.

The Agents of the Diet have not even had the courtesy to go to Guatemala —the offended party in this case, but, instead of that, they have invited Guatemala to send commissioners to Tigre Island, to treat with them as if they represented a superior power, or had some title to expect such condescension.

On the other hand, would it be prudent in Guatemala to recognize a power, that has already taken a course derogatory to the dignity, and injurious to the rights of the Republic, by pretending to consider as actually in existence the extinct state of Los Altos?

dega,—in which these occurrences are detained more at length.

The Government of Guatemala, in spite of all, has declared the intention to persevere in its peaceful line of policy; and, relying for support, on the justice of its cause, on public opinion, and on the courage of the people, is now occupied in the revision of its political constitutions and laws.

For this purpose, the Constituent Assembly, which had suspended its sessions since 1849, had been convoked again and was to meet in the course of the month of June of the present year.

It will be perceived, by what has been stated, that the Republic of Guatemala, like Costa Rica, adopts a moderate, conservative policy, while the middle States, Salvador, Honduras, and Nicaragua, intend to compel them by violent means to join in a compact, which they have hardly begun to shape, and which rests as yet on no solid foundation,—no programme having as yet been published by the Federalists of what they design to carry out.

However attractive the idea of a consolidation, or confederacy, or even simple league of all those Commonwealths must be to the heart of every fair-minded Central American, it is apparent that the partizans of the Union have taken such a wrong course in order to bring about that desirable object, that their sincerity might with reason be impeached. The union can only be effected by peaceful and intelligent discussion, and freindly communication. It cannot be the work of one day, nor should it be the offspring of a bloody struggle.

The will of the people must be consulted and respected everywhere, unless the doctrines of liberty and justice are to be abjured, and the empire of caprice and force is to be recognized as the supreme rule in the affairs of mankind.

Guatemala on her part is a regularly constituted nation in every sense of the word. She is subject to fixed laws, and is completing her political organization. She is connected by Treaties with many foreign powers; and no state whatever possesses a justifiable right to control her movements or dictate to her. The Union, however advantageous and beneficial, must not be imposed on her. Let the confederated States show that they can go on well together, and it is very probable that Guatemala, for her own interest, will join the Confederacy, or any other form of general government which may be adopted.

Meanwhile, it being desirable that the repetition of similar aggressions should be prevented for the future; and considering that the continuation of such a state of hostility, as that at present existing in Central America, will impede the welfare and prosperity of that region. Guatemala feels anxious, not only for her own sake, but likewise for the advantage of all parties, that some freindly nation, such as the United States or Great Britain, should interpose their good offices in order to maintain peace in those coun-

as the general tranquility of Central America is one of the requisites for the prompt execution of that mighty enterprize. It is likewise important for the extension of commerce, and for the benefit of American and British traders.

The association of Spain in this philanthropic mediation has likewise been considered as a project which would be satisfactory to the Central American States, on account of the relations existing from their common origin.

That part of the American Continent, on account of its singularly favored geographical position and of the fertility of its soil—with Ports on the Atlantic and on the Pacific—connected with New York on one side, and with San Francisco on the other—possessing valuable productions, such as cochineal, indigo, coffee, sarsaparilla, &c, &c, for the supply of the Northern States, as well as sugar, molasses, corn, rice, timber, &c, &c, for the Californian market—must every day rise in commercial importance.

On the other hand, the consumption of American manufacturers will increase at the same time in Guatemala and in all Central America. Labor is to be found there in great abundance. The only thing wanted is peace, and confidence in its duration. When the inhabitants enjoy this blessing there is no doubt but that they will devote themselves to industry and commercial enterprize; the entire aspect of the country will change— unlimited production will supersede the actual waste of vital powers, and the great commercial nations will find there a vast feild for their energies and for the employment of their shipping.

The Government of the undersigned believe that amicable expostulations addressed on the part of the American Government to the Governments of Savador, Honduras, and Nicaragua, would exercise a very salutary influence in their counsels, and would be listened to with deference. The adoption of a more just and peaceable policy in regard to Guatemala might be recommended to them for the advancement of order and industry, instead of fostering mutual feuds and hatreds, which cannot fail to destroy the commerce and prosperity of the land.

This is the purpose of the present communication, which the undersigned ventures to hope will meet with a favorable consideration on the part of the American Cabinent.

The undersigned feels that this report has already been drawn to a tedious length. He, therefore, begs leave to apologize; as it appeared necessary to enter into some particulars that justice might be done to the conduct of Guatemala.

The Chargé d'Affaires of Guatemala will consider himself fortunate if he has succeeded in attracting the interest of the Honorable Secretary on behalf of the country he represents, and in conveying to him a correct idea of the difficulties it has had to contend with.

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Francisco Castellón, Minister of Foreign Affairs of Nicaragua [1]

LEÓN, *August 1, 1851.*

SIR: Allow me to announce officially to you my arrival in Leon as Chargé d'Affaires of the United States to the Republic of Nicaragua, and to request, through you, a presentation to his Excellency, the Supreme Director.

I desire to present my letter of credence, and you will oblige me by designating the time, manner & place.

I have the honor [etc.].

1163

Francisco Castellón, Minister of Foreign Affairs of Nicaragua, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [2]

LEÓN, *August 2, 1851.*

I advised my Government of the kind communication of Your Excellency dated the 1st instant,[3] giving notice that you have come to this city for the purpose of having yourself officially accredited in your character of Chargé d'Affaires of the Republic of the United States near this Government and requesting that you be informed of the day and hour when you are to be received.

As soon as the Honorable Mr. Kerr was kind enough to advise the Government of Nicaragua of his arrival in the city of Granada the Chief Executive notified the National Assembly of that happy event in order that that distinguished body, having charge of foreign relations, by virtue of the conventional pact of November 8, 1849, of which I assume the Government of Your Excellency has been informed, might take the necessary steps for your reception. The National Assembly took this important matter under consideration, and in a communication of the 26th ultimo advises this Ministry among other things: 1. That Your Excellency be informed that the State of Nicaragua, as well as that of Honduras and Salvador, have, with the necessary formalities and the concurrence of the legislative bodies of each of them, organized the National Government; that it now has the necessary and exclusive authority to pass on and adjust all matters relating to foreign relations, and that therefore it is the province of this National Assembly to receive the said Chargé d'Affaires and to discuss with him all matters which he may submit on behalf of the United States. 2nd. That the said National Assembly will take the greatest pleasure in receiving him, provided that the

[1] Despatches, Nicaragua, vol. 1, enclosed with Kerr to the Secretary of State, No. 1, below.

distinguished body.

For this reason, my Government, before taking the necessary action with regard to Your Excellency's kind invitation, requests that Your Excellency be good enough to reply categorically to the following questions. Is the Honorable Mr. Kerr authorized to have himself accredited near the National Assembly, which is willing to receive him, or does he need a special authorization from his Government?

Has or has not that Government recognized the Establishment of the Confederated Government? How will the latter be considered by the Cabinet of Washington?

My Government therefore requests the Honorable Mr. Kerr kindly to reply to these questions as soon as possible; for which purpose I take pleasure in transmitting to Your Excellency No. 16 of the "Correo del Istmo", in which the said pact of November 8th is printed, for Your Excellency's information.

I beg you to accept the assurances [etc.].

1164

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Francisco Castellón, Minister of Foreign Affairs of Nicaragua [1]

LEÓN, *August 4, 1851.*

SIR: Your communication, in reply to mine, of the 2d inst[2] in regard to the most convenient time for presenting my letter of credence, reached me on Saturday evening, and I avail myself of an early hour, this morning, to answer the questions, which you have submitted for elucidation.

In a letter, addressed to the Minister for Foreign Affairs of Nicaragua, I have been accredited to a Republic, at this moment represented in the City of Washington by an Envoy Extraordinary & Minister Plenipotentiary, and recognized as this high functionary had been at other important points previously, it could not have entered into the sober calculation of the United States to suppose, that a state, thus presented abroad had in fact ceased here to exercise her full and legitimate powers, as a nation, so far back as Eighteen hundred and forty nine.

The Government of the United States takes due care, at all times, to be

[1] Despatches, Nicaragua, vol. 1, enclosed with Kerr to the Secretary of State, No. 3, below, this part doc. 1170. At the beginning of the first page of this enclosure, is the following:

"A reply to the letter of Mr Castillon [Castellón], written on the 4th, & not received, as he was seized that night & hurried off to Salvador. It is sent to the Department, as illustrating my action here on the points stated."

[2] See Castellón's note of August 2, above, this part, doc. 1163a. Kerr's note to him was of

a failure to have noted this pact in its germ & growth, to which you have invited my attention.

A Convention, clothed with full powers from the body of the People with whom all sovereignty rests, is a familiar idea, as the initiatory step for the remodelling of a government, and this movement of the states of Honduras, Salvador & Nicaragua was hailed, as the harbinger of a great & glorious era for Central America—the eventual reunion of her five states on a durable basis. If this could not have been brought about, through the patriotism and disinterestedness of just and honorable men, the convention was deemed, in the United States, some approximation to it, & entitled to respect and approbation.

Let me ask you, then, to be the medium of communicating to the honorable members of the Convention of 1849 my best wishes for the success of the plan, and to add the assurances of a hearty co-operation on the part of the government, which I have the honor to represent, in furthering the most perfect Union among the States of Central America.

At the same time, in sheer justice to the Free and Independent State of Nicaragua, to which my credentials have come, I can not consent, by a hasty admission, in the name and behalf of the United States' government, to abate any portion of the sovereignty, of which no act yet promulgated has divested her. Let Nicaragua, however, through her high Officers of State once clearly intimate to me, where the Supreme Power, inherent in her people has been made Constitutionally to repose, and there I will be found, ready to tender the homage of my personal respect, & to enter upon those duties, that devolve upon me, as Chargé d'Affaires of the United States.

I have the honor to remain, Sir [etc.].

1165

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACTS]

No. 1 LEÓN, NICARAGUA, *August 4, 1851.*

SIR: It is with extreme mortification that I have to announce to you the distracted condition of Nicaragua, occasioned by the petty factions, at work for some months past. On Monday night, the soldiery, in charge of the garrison at Leon, brought matters to a crisis by forcibly seizing the Director,

[1] Despatches, Nicaragua, vol. 1. Received October 18.

hurrying with them masked & under guard towards either Realejo or some part of Honduras. The disgraceful part of the matter is, that in a city of thirty thousand, evidently well affected to the Administration no voice was heard beyond a suppressed whisper, and no aid proffered. There exists an intense jealousy between the two cities of Leon & Granada, and the apprehension just now is, lest a force from the latter, in aid of Pineda, a native from that quarter, may arouse this sentiment, and cause the masses of this city, at present quiet & forbearing, to rush to arms along with the soldiers, the only known abettors of the outbreak.

I reached Leon on the 28th ulto. having been detained some weeks in the ascent of the San Juan & the journey here. From Granada I promptly advised the government of my arrival in the Country, and my intention to proceed at an early moment to Leon. This letter, it appears, was referred to the members of the Chinendega Convention, who insist on the right to arrange all matters, appertaining to the Foreign Relations.[1] . . .

At Leon, on horseback, in advance of my baggage carts, I called immediately on Mr Castillon, & explained to him, that I might not be able for a day or so to present my credentials— Some private letters of introduction gave me this opportunity to make an unofficial call, and though during the interview our conversation was full & frank, I heard no doubts expressed of the want of power in the government of Nicaragua to receive me. You may judge my surprise, when in answer to my communication (A) I received the letter now copied and marked (B).[2]

The more intelligent gentlemen here regard this meeting at Chinendega as the initiatory step for a Union between the three States, and not as a government, absorbing all the powers necessary for their Foreign Relations. In this view I had prepared a long reply to Mr Castillon,[3] and it was ready for his hand, when his forcible seizure occurred.

Of course I have abstained from any sort of participation in the turmoil of the day; which I have felt authorised, in the name of my government, to denounce any attempt to do personal injury to the Director & his late associates. Should the re-organization be sanctioned in the General Assembly, in session at Managua, I may consent to be accredited. Otherwise I must wait for a more stable condition of things, or abide the instructions of the Department.

The National Representation of Chinendega, though for some months at Leon, consists of four persons, at present, with six votes—two for Honduras, cast by a proxy in this City, two from Salvador & two for Nicaragua. Out of their own body they claim to have had, since 1849, a President Vice President & other proper officers for the transaction of the public affairs of these

States—one represented in the United States by an Envoy Extraordinary & Minister Plenipotentiary. I very soon detected among some interested persons an intention to embarrass the relations between the government & the Canal Company. The members of the Chinendega *Convention* may possibly have offered inducements in case of being sustained in their assertion of right to supreme power. Two hours ago, I was advised of *a safe* opportunity to forward this communication to the Department, & the gentleman is ready to start on his way to Granada.

I have the honor [etc.].

1166

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACT]

LEÓN, NICARAGUA, *August 15, 1851.*

SIR: In my dispatch, No. 1, of the 5th Inst.[2] I referred the Department to the gross outrage, perpetrated on the night of the 4th, by a few of the soldiers in the quartel of Leon, who entered the houses of the Supreme Director & the several Ministers of State, and hurried them away under a strict guard. The act was disavowed by Genl Muñoz & every other member of a provisional government, started on the instant, under the specious pretext of necessity; while at the very moment the Legislature was in regular session at Managua only a day's journey off. The circumstances of the case were such as to place the movement beneath the dignity of a revolution, even as the word is abused in this distracted Country, & I promptly took my ground, characterizing the attempt without stint, so unparalleled & infamous, which no party, in a Republican Country, should presume to endorse, and expect countenance in the least degree. These strong expressions I took due care to use to those, who assumed to be members of this de facto government, whose first step was an appeal to arms after a pronunciamento against the Managua Legislature. At the first intimation of danger the members of this body transferred themselves to Granada, where a Director, with a provisional government, was formed, in virtue of an existing Constitution.

Let me place before the Department certain preliminary facts. In 1849 a few of the active politicians in Salvador & Nicaragua, with ulterior & selfish views, as I am led to believe from their character & conduct, undertook to promote the Union of Central America by inviting members to a Convention at Chinendega in the State of Nicaragua. Guatemala & Costa Rica declined

of a government was put forth under the name of the National Representation. Nothing further was done; though at the same time the six members of this Convention managed, by a construction of certain acts of the Nicaragua Legislature, to assume control over the foreign relations. The low cunning of these men has unsettled every thing, & no sooner was my arrival announced, than every effort was made to procure a recognition from the government of the U. S. in favor of this irresponsible junto.[1] . . . I am thoroughly impressed with the idea that the National Representation seeks to annul, if it can be, the acts of Nicaragua towards the Canal Company, or at least to embarrass in every way. In my letter to Mr Castillon,[2] which was not received by him, I, of course, took pains to express the sentiments of the United States' government, as favorable to a well ordered Union of Central America, & to add my opinion that any approximation to it would be entitled to respect. The question is, how far the convention of 1849 can be regarded; as an actual government, and its imbecility is sufficiently marked to make me wary of acknowledging it.

Any recent negotiation at Washington, with the pretensions of this body would be open to cavil, & made, possibly, a fresh cause for civil war.

I have been obliged to take a firm stand & to deal very frankly with Genl Muñoz & the several members of his provisional government. To have left Leon in such a state of things would have left me no possible room for mediating successfully, and with the unquiet spirits who had stirred the strife about me, here was my true position. I had just reached the city, when I heard of Mr White's arrival.

I will write again in a few days, when I have hopes of communicating to the Department a better state of things. Just now it is as unfavorable as possible.

I have the honor [etc.].

1167

Felipe Molina, Guatemalan Chargé d'Affaires at Washington, to William S. Derrick, Acting Secretary of State of the United States [3]

NEW YORK, *August 18, 1851.*

The Undersigned Chargé d'Affaires of Guatemala, is in receipt of the Honorable William S. Derrick's letter of the 14th inst.[4] acquainting Mr. Molina that the Government of the United States has been pleased to assent to the desire expressed on the part of the Republic of Guatemala, and that instructions shall, in consequence, be sent to Mr. Kerr, Chargé d'Affaires

[1] This omission tells of political difficulties and of the people's apathy toward them.
[2] Above, this part, doc. 1165.

of the United States in Central America, to do all he can with propriety, for the purpose of restoring and preserving harmony between Guatemala and the States of Salvador, Honduras and Nicaragua.

Mr. Molina in reply, takes this early opportunity to convey to the Honorable Secretary of State, his sense of the deep obligation his country is under, to the Government of the United States for the performance of this most important and timely act of friendship.

The Undersigned trusts that Mr. Derrick will permit him to accompany the sincere expression of his personal gratitude for the early consideration that the subject in question has obtained in the Department of State.

The Chargé d'Affaires of Guatemala has the honor [etc.].

1168

J. Estanislao González, Acting Minister of Foreign Affairs of Nicaragua, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [1]

LEÓN, *August 22, 1851.*

Under this date the Department of Foreign Relations under my charge makes the following statement to Mr. J. L. White.

"The Provisional Supreme Government of the state of Nicaragua has been informed that at the time when this country is divided over the present political question, in which, on the one hand, the legislative and executive mandataries, who were repudiated on account of having acted contrary to the general interests and the whole constitution, pretend to maintain an authority which they have lost, according to Article 8 of that constitution, and on the other hand, the Provisional Supreme Government, born of the natural right possessed by every society to provide for its conservation and normal progress, when it does not have the government given to it by the substantive law, recognizes as the only path which can lead the Nicaraguan body politic to its organic perfection and well being, that of its fundamental regeneration, decreed in 1847 and ordered put into effect by the Legislative Act of April 1, 1849, you are engaged in making with the said discredited mandataries, certain arrangements to the detriment of those already concluded, ratified, and ready to be put into effect between the North American Atlantic and Pacific Maritime Canal Company and this properly established state. Whatever may have been your opinions regarding this question, your character as a foreigner and as the representative of a company which is also foreign imposes on you the obligation not to concern yourself with the question of the legitimacy of the different authorities which are ostensibly re-

indicates to you with which of them the agreements which may be made should be concluded. The contrary course would subject the interests of the said company to the result of the solution which this country, as sovereign and independent, might give to the political question referred to. In short: you cannot in any capacity treat of matters which concern the whole state with mandataries whose authority is in question. Therefore: the Provisional Supreme Government in the name of those rights and interests legally acquired and guaranteed by Nicaragua in time of peace in the principal contract and in the additions thereto for the establishment of a line of communication through this Isthmus between the two oceans, solemnly protests against any agreement which you may have concluded or may conclude with said mandataries, impairing or modifying wholly or in part the contract and additions thereto above mentioned; so much the more, as it is found that you have lost your neutrality as a foreigner by publicly inciting the people of Granada and even some of your compatriots to take part in the present conflict, a circumstance which has disqualified you for the exercise of your mission. The Provisional Supreme Government will see with satisfaction the harmonization of the interests of the above named company with those of the State, when the latter is at peace, and its Supreme Government is ready to carry on transactions of this kind; but in the meanwhile it does not recognize and will not recognize the legality and validity of those which are concluded. By order of the Senator, the Provisional Director, I advise of the foregoing for your information and appropriate action.

Your obedient servant."

By order of the same Senator, the Provisional Director, I transmit it to you for your information.

Your obedient servant.

1169

J. Estanislao González, Acting Minister of Foreign Affairs of Nicaragua, to Daniel Webster, Secretary of State of the United States [1]

[TRANSLATION]

LEÓN, *August 25, 1851.*

MOST EXCELLENT SIR: The identity of political principles, the sentiments of fraternity, and the relations of friendship and of interest, which happily exist, between Nicaragua and the respected Republic, which, the Chief Magistrate of the American Union, so worthily presides over, render it incumbent upon the actual Provisional Government of this State, frankly to inform that high Government of the events which have taken place in

cised supreme power, both legislative and executive.

In as much as, by the fundamental charter of Nicaragua, which harmonizes with the constitutions of all democratic countries, public functionaries, are nothing but the agents of the Sovereign power, in order fully to carry out the principal object of the latter, for the preservation of liberty, equality, public safety and property, by means of regular organizations, capable of maintaining the existence of the political body, and of conducting it through the paths of prosperity, it is a recognized principle, in our institutions, that such functionaries forfeit their commissions, when they fail to comply with the aforesaid conditions, either in a social or political point of view. Such was precisely the case with those individuals, who, while exercising the Supreme power, both in the Legislative and Executive branches of this State, made an improper use of their authority, substituting private for general interests, by usurping property which was destined for sacred objects; by plundering the public Treasury; by disorganizing the army, and, in short, by a course of legislation and executive conduct, infringing upon the constitution, and adverse to public safety and to the most vital interests of this country, both in regard to its interior affairs, and its Union Relations to the other states of Central America,—a union which has been greatly recommended by the enlightened American Cabinet. Finally, those functionaries had brought the State to such a complicated pass, so full of embarrassments and confusion, that, not being able to make any further progress, it made an extraordinary attempt at regeneration, by calling into existence this provisional government, with a view of being guided by it, through the pathways of regularity, until the people of Nicaragua shall succeed in being represented by Legitimate Deputies, in a Constituent Congress, and there determine the great question of their political organization. While this question was pending, Mr. J. L. White, professing devotion to the party which assumes to sustain the legitimate authority of those discarded functionaries, entered into a contract with these very men, which interferes, in a manner most adverse to the interests of this State, with the stipulations contained in the principal contract, and its additional clauses, which was concluded and ratified with the North American-Atlantic-Pacific—Maritime-Canal-Company, under the glorious administration of the Director, Don R. Ramirez as soon as this provisional Government was informed of such proceeding, on the part of Mr. White, it addressed to him the protest, which I have the honor of enclosing[1] to your Excellency; but as this Supreme Government has also learnt, that Mr. White has already left for New York, (being a subject of that worthy

Excellency may be pleased to solicit fresh instructions from His Excellency the Vice President of the United States, with a view of informing the aforesaid company, that the new arrangement entered into, on the part of Mr. White, with one of the contending parties, in the controversy actually carried on, in this State, is not legal. The Undersigned avails himself of this opportunity, to transmit to your Excellency, some copies of the acts of the 4th and 5th inst, and has the particular gratification [etc.].

1170

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACT]

No. 3 LEÓN, *August 25, 1851.*

SIR: No very decisive step has yet been taken by the provisional government at Leon, while gathering strength for an attack on the rival party at Granada, delayed as I have had reason to think from some lingering hope of an accommodation.

After letting all, here, know in the most emphatic manner that I could not countenance so outrageous a proceeding as the seizure & detention of the President of the Republic or recognize as legal, a provisional government, based on such a palpable fraud upon the rights of the people, under the auspices of a few of the soldiery, I have deemed it a duty, as well from motives of self-respect as from regard for the best interests of the United States, to forbear any positive action, till something, like tranquillity, be restored.

I fear from the excited state of the public mind in Leon this morning that an imprudent step has been taken by Mr J. L. White, in his zeal to bring about a modification of the terms of the Charter and act of incorporation of the Canal Company, more favorable to those interested in the mere transit route. I have had, on repeated occasions, with our own citizens & foreigners, to combat the insinuation, that the Canal was only the stalking-horse for the transit, and that it would very soon be apparent. This I felt as almost insulting. The treaty of protection between the United States and Great Britain lent a dignity to the project of a Ship-Canal, and gave a good opening for the full expression of liberal sentiments, in lieu of the narrow and jaundiced views, that the petty jealousies of interested individuals and

[1] Despatches, Nicaragua, vol. 1. Received September 26.

a new era and the masses, usually apathetic, so far as public affairs are concerned, regarded the Canal with decided favor. You may well imagine, what a revulsion of feeling has been produced by the rumor, industriously circulated, that so popular an idea had been seriously weakened by a new arrangement. Genl Muñoz, whose position has not been sanctioned by any of the prominent Citizens of Leon, is now sure of an earnest co-operation, and emboldened by this, the prospect of the early accommodation, to which I have referred, is somewhat lessened.

This morning, however, two of the more influential citizens here, Mess[rs] Carcache & Montelegra, joined by M[r] Manning, an English merchant, long resident here with very much of social & political influence, had started, as Commissioners to Granada, with propositions for peace between the two *Provisional* Governments. These were: an entire amnesty for the few officers actually involved by their participation in the arrest of Mr Pineda, and, as the cure all for every wound, the call in October of a Constituent Assembly. As an earnest of his disposition for peace and order Genl Muñoz consents to leave the state, should it be required. But, now, the Leon party, through this alleged delinquency on the part of the general Assembly, has gained an advantage, & with more of sympathy, on their side, from the people, hitherto quiescent, a conflict can hardly be avoided. I had hoped, that M[r] White was too sound a lawyer and too good a tactician to ask or receive any material modification of the Charter at such a juncture, when the State, acephalous in fact, was in the hands of *two Provisional* governments, seeking, each, the ascendancy by an appeal to arms. Though promptly expressing the opinion to the leaders at Leon, that the General Assembly in session was in fact the depository of the sovereignty of the State, and therefore entitled to respect, I saw at once the propriety of withholding myself from both factions for a while as negotiations, in the unsettled state of opinion, throughout the whole Country, would be unsafe & open to cavil hereafter.

It is absolutely disgusting to reflect upon the degraded state of morals among the thorough-paced politicians of Nicaragua & the parts adjacent, apparent from the fact, that these distinct attempts, from motives at once contrariant, were on foot for the overthrow of the government of Pineda. It would be a hard task to make good the argument upon the constitutional rights of the existing assembly, as the successive administrations in Nicaragua, for some years past, arose from just such a revolution, as the current one. M[r] White seems very naturally to have regarded these people, as mere children, who could be led or driven any way, he might be disposed; but I fear, he may have carried his contempt for their intellect somewhat too far, if *all*, reported here, to-day, of his sayings and doings, be correct—

much I may differ from him, on the expediency of recent proceedings, to sustain him as far as I can. While he was at Granada I made every effort to reach there. The residents of Leon were moving off every night with their property, and, here, all alone, with only one American in the City, it was impossible to secure a suitable protector for Mrs Kerr during my absence. The wrong headedness & imbecility of the members of the Assembly had been a subject for comment, and it is very clear now, that no resistance can be made to the force of Muñoz, should he march upon Granada. The Commissioners will now fail in the object of their mission, unless the state of things at Granada be otherwise than we had it reported to-day.

I have received from the Provisional Government here the accompanying communication in regard to Mr White, marked A.,[1] being a copy of a letter addressed to him. At first I was disposed to repel the charges, as aspersions upon him, and I had prepared a letter in reply to it. He has, I understood, left for New York and it was a matter of prudence to forbear. In the Cabals of the day some blows were aimed, as I have had reason to think, at the privileges of the Canal Company, and this coup de main of Mr White may not be out of place. The exact terms of his arrangement are not known and there may be exaggeration.

Much jealousy exists on the part of persons here, anxious for a share in the profits of the transit route, and a favorite scheme is the construction of a rail-road from Granada to Realejo over a desirable country. We are to have intense and bitter feeling on this score.

When I offered to present my credentials, I was met by a very jesuitical letter from Mr Castillon— My answer[2] which failed to reach Mr. Castillon, will explain the views, I was led to take, and it had better be with his communication, forwarded as a part of my first despatch. Mr. Castillon either favored secretly the members of the National Convention or he dreaded a revolution.

It is now late at night, and the unusual sound of a large body of Cavalry indicates some significant move by the government here. I do not intend to be forced away; though I am not much in favor with the members of the de facto government, and it is dull work. I have been constrained to express my true sentiments very frankly— By every safe hand I will advise the Department of the progress of events, and Leon is the center of all the intrigues, where information can be had at the moment, when it would be available. I must call the attention of the Department to my limited powers, with a letter of credence to Nicaragua alone, and my embarrassed condition will be seen, should in the melée the members of the

National Representation of Honduras, Salvador & Nicaragua come into power, a scurvy set of tricksters, one & all.[1] . . .

I have the honor to be [etc.].

1171

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to J. Estanislao González, Acting Minister of Foreign Affairs of Nicaragua [2]

LEÓN, *August 30, 1851.*

SIR: Your communication, with a copy of a letter, addressed to Joseph L. White,[3] Esquire, of New York, now at the head of the American Atlantic & Pacific Ship Canal Company, came duly to hand and being a protest against the acts of that gentleman, in connection with an interest, so important and widely spread, I have thought fit to transmit it to the State Department at Washington.

The modifications of the contract, proposed by Mr White, have not been communicated to me, and as matters, appertaining to the corporation, over which he presides, they were not at all under my cognizance; but I may venture to add, that the potent influence, ascribed to him is inconsistent with the dignity and grandeur of such a work as the Oceanic Canal. The Provisional Government at Leon may rest satisfied, that it is beyond the efforts of any single man or any combination of men, at Granada or elsewhere, to negative the fiat which the enlightened spirit of modern commerce has sent forth, and if Nicaragua be only true to herself, erasing from her vocabulary that ominous word—Revolution—so pregnant of evil after a sad experience of baffled hopes for the last quarter of a century, the Ship-Canal, begun and completed, will be the mere precursor of greater advantages.

Prompt intelligence in regard to it is due to the United States Government, by which its neutrality and security have been guaranteed before the World, and this protest will be received, as an earnest of zeal for an undertaking much favored through all the States of the Union.

Upon more authentic information it is to be hoped, that this summary denunciation of Mr White will have proved somewhat premature; and that his arrangement with the Legislature will be advantageous in its results alike to the Country and the company.

It is no part of my mission from the United States of the North to mingle in the strife of contending factions, and I must be content to wait till a better spirit prevail and unanimity be restored to the public Councils. But the preparations for a war where brother is to fight against brother, have not

myself the question, for what purpose & what end is all this?

It remains for the governments and people of Nicaragua, however, to make or mar, at their own pleasure and after their own fashion the National prosperity; but while Municipal regulations may be thus changed or utterly confounded, there are certain international Laws which are not silent amidst the din of arms. Understanding that the Provisional Government at Leon is about to carry the war into the Lake Country of Nicaragua, where capital from the States of the American Union has sought extensive investments, I claim, come what may, full immunity for the persons and property of my fellow Citizens now there in virtue of chartered privileges. The resources of this gateway of Nations are beginning to be developed and there are cogent reasons for an early armistice, by which time and opportunity could be given for a free interchange of opinion between the prominent members of the two Governments, arrayed against each other.

In adherence to a rule prescribed for my line of conduct during the civil commotions, that are flagrant, I forbear any comments, & I reply now merely to this protest against Mr White, who found at Managua the representatives of the people, in General Assembly met, claiming the right to treat with him. Whatever may be the modifications of this contract, I am very sure, that most of the rumors afloat in this City are gross exaggerations.

I have the honor [etc.].

1172

Henry Savage, in charge of the Legation of the United States, in Guatemala, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACT]

No. 9 GUATEMALA CITY, *September 12, 1851.*

SIR: In my despatch No 4 [2] in reference to the Blockade of the ports of the State of S. Salvador by a British Naval Force, I mentioned, that it had been notified to the authorities of that State by the Commander of H. B. M. S. Gorgon, that unless a previous satisfactory arrangement be made with H. B. M. Chargé d'Affairs in regard to the pending claims, within a specified time, a large naval force would arrive to establish a more rigorous blockade of those ports. I have now the satisfaction to inform you that such arrangements have been effected here between the Government of S. Salvador and H. B. M. Chargé d'Affairs, as will be seen by a copy of the agreement published in the Gazette of S. Salvador sent herewith,[3] and which has been

[1] Despatches, Guatemala, vol. 3. Received May 10.

surceased. . . .

Very respectfully [etc.].

1173

J. Estanislao González, Acting Minister of Foreign Affairs of Nicaragua, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [1]

LEÓN, *September 18, 1851.*

The reply which Your Excellency was kind enough to make under date of the 30th ultimo [2] to the despatch addressed to you by this cabinet with the protest of the Provisional Supreme Government [3] against the latest agreement concluded by Mr. J. L. White, in the name of the American Atlantic and Pacific Maritime Canal Company, with one of the two parties who are debating in this country the pending question relative to the supreme power in Nicaragua, furnishes more serious reasons to justify that protest.

The supreme governments of the great Republic which Your Excellency represents and that of this State having committed themselves to giving proper protection to the vastest commercial enterprise of the nineteenth century, the opening of the great canal which is to connect the two oceans, agreed upon by the Supreme Power of Nicaragua with the said American company, it is astonishing that the annulment of this first agreement attempted by Mr. White in the said last agreement, reducing that magnificent project of reciprocal and universal benefit, to a common transit route, has not been brought to the knowledge of Your Excellency nor that of the Nicaraguan public, and that of the other Central American states and foreign nations.

It is impossible not to consider this concealment as characteristic of the combinations which are profoundly hostile to this country in the new contract of Mr. White; and it was very proper that Your Excellency should have submitted the said protest to the Ministry of State of the Union.

The Provisional Supreme Government acting on these new bases confirms the said protest against the last agreement concluded by Mr. White with the party of the City of Granada, which claims to administer the government of the State, as being null and void, and seriously adverse to the interests of Nicaragua, of the United States, of Central America, and of the whole world. With regard to the compatriots of Your Excellency, you may be assured that they will enjoy not only the general guarantees which the constitution of the country grants to every foreigner, but that they will also receive that protection characteristic of the fraternal sentiments which we cherish toward them.

recommends to Your Excellency that you kindly transmit this new protest and declaration also to the Government which you represent.

Please accept the assurance [etc.].

1174

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to J. Estanislao González, Acting Minister of Foreign Affairs of Nicaragua [1]

LEÓN, *September 20, 1851.*

SIR: The Provisional Government at Leon should be aware that no greater insult can be offered to the honor and dignity of the United States than by countenancing an unworthy attempt, which, to-night, has come to my personal knowledge.

Certain well disposed and wayfaring Citizens, seeking again their homes from the distant sections of the Union on the Pacific, have had the promise of present day and future bounty, in case they would consent to disfranchise themselves by lending aid and arms to the Department of Leon. It is said to have been with the concurrence of the Provisional Government.

This tampering is a sorry game at best, and one which, in due time, may give occasion to a more stringent course on the part of the Government, I have the honor to represent. I protest against it in the outset, as totally subversive of the National Morality, which is so dear to the vast body of the American people.

Should the Provisional Gov^{t} at Leon succeed for a time in these seductive efforts to undermine high toned principles in the breasts of some few now passing, is it not plain, that any future accessions to its party, with the ready means for information, afforded by steam navigation, would be from among those, who approach the shores of Nicaragua with malice prepense; and thus virtually are brought within the purview of the act of Congress, forbidding, as a high misdemeanor, the gathering of unarmed force, within the limits of United States against powers, between which and the government of the American Union there are subsisting relations of peace and amity? This leprous distilment into the ears of my fellow countrymen may thus involve their own government to the amount of millions of money for ships of war on the coast of Nicaragua, necessary to vindicate the violated law, and the expenditure would more readily be met in behalf of the Nicaraguan People, weakened and impoverished by internal dissensions.

After a conference and a correspondence with the Honorable Francisco Castillon, ejected from his high post, on the night of the 4th ult^{o}, by a mili-

here. My well matured and fixed opinion forbids it, and it comes with ill grace, therefore, from this government through its recruiting officers, to negative the policy and propriety of this step in argument with my own Countrymen. Such a course of proceeding is personally offensive.

I now officially state to the members of the Provisional Government at Leon, that the attempted enlistment of transient American Citizens, with no opportunity for weighing the true points at issue in the State, is derogatory to the integrity and purity of our Republican institutions. It degrades the American into a mercenary. The public mind in the United States will not brook it for an instant and the Government there will set its seal of reprobation upon all who counsel and abet it.

It will stand, too, in the way of a bona fide immigration, from which the American Union derives, each year, an accession of wealth and strength. Here I might be excused, Revd Sir, for pointing a moral. It is the keen-sighted and experienced mariner, who recognises the distant danger of the cloud no larger than the hand, and will not do the members of the Provisional Government the injustice to suppose, that they have turned over the pages of history to so little purpose as not to acknowledge, how unsafe a thing it is to trust to foreign train-bands in the settlement of domestic differences.

I avail myself of the occasion to acknowledge the receipt of your communication of the 18th Ins^t,[1] renewing the protest against the action of Mr J. L. White.

I have the honor [etc.].

1175

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to J. Estanislao González, Acting Minister of Foreign Affairs of Nicaragua[2]

LEÓN, *September 23, 1851.*

SIR: Blood has been shed and by Americans, hand to hand with Americans on the soil of Nicaragua! This evening two gentlemen, resident here, Messrs Deshon & Bradbury, brought me intelligence of a rumor, that at San Juan del Sur an actual conflict had occurred, in which the lives of several of my Countrymen had been lost. Is it true? If so, what I so much feared and deprecated in my protest to the de facto Government at Leon has come to pass.

If these domestic quarrels are to be settled by American Citizens, it is

[1] Above, this part, doc. 1173.

[2] Despatches, Nicaragua, vol. 1, enclosed with Kerr to the Secretary of State, No. 4, below, this part, doc. 1178.

its honor has been compromitted by one of the contending factions.

I propose to despatch a special messenger at once to Washington, in case this account be true, and it is to be hoped, that the tender of good offices from a Power like the United States, able to make good the performance of any guarantees under its mediation will not be refused by either of the litigants.

With sincere wishes for the restoration of tranquillity in Nicaragua,

I am [etc.].

1176

J. Estanislao González, Acting Minister of Foreign Affairs of Nicaragua, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [1]

LEÓN, *September 25, 1851.*

Foreigners in general who freely desire to maintain the social order, security of person and property, and the cause of civilization and of the progress of this country, in the destiny of which all people are interested, are admitted to the army of the Provisional Government.

The State of Nicaragua, in conformity with its political constitution, does not consider citizens of the United States of the North to be really foreigners, nor does it treat them as such, but as brothers, sons of the same continent, inspired by identical principles, and moved by the noble desire to establish liberty and order in every part of the common fatherland, and to develop its resources by industry.

The Supreme Provisional Government acknowledges the right of American citizens to study any question in any country of the world and take the side which seems right to them, without incurring responsibility therefore to their Government, as has been seen in the controversy over Texas, Havana, and others recorded in history. It also recognizes in them the enlightenment necessary to carry on such undertakings properly, and well knows that it does not degrade but honors anybody to receive a just compensation for his work. And in contrast to this is the interpellation of Your Excellency [2] in regard thereto, when you publicly and by all means in your power make known your inclination in favor of the party opposed to the Provisional Government, as it certainly should be observed that if Your Excellency did not consider the Granada group as a faction, but as a legitimate government, you ought to be there, inspiring in your compatriots by your impartiality the spirit of neutrality, which, as we know, is the only one which Your

[1] Despatches, Nicaragua, vol. 1, enclosed with Kerr to the Secretary of State, No. 4, below, this part, doc. 1178.

which is the one maintained by the Provisional Government, and to which the Supreme Government of the Republic of the North will not be indifferent.

It is in this way that the Supreme Director instructs me to reply to Your Excellency, omitting to reply to those remarks of which Your Excellency himself must have disapproved after [recovering from] the feeling with which you wrote them, and to recommend at the same time that you moderate the ardor with which you persist in restraining the enthusiasm of the good North Americans who sympathize with us; for while, under public international law, they are at liberty to adopt and support any cause in our country, an official employee of your class cannot take the same liberty without infringing the principle of non-intervention universally recognized.

I remain [etc.].

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John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to J. Estanislao González, Acting Minister of Foreign Affairs of Nicaragua [1]

LEÓN, *September 27, 1851.*

SIR: In reply to your communication of the 25th Inst,[2] I have merely to refer you to my letter of the 20th Inst,[3] from which I can not depart in any particular.

From your general observations, in regard to the Government of the United States, it is evident, that the Provisional Government at Leon is resolved to take steps, derogatory to it's honor and dignity, and in violation of well established principles.

I have the honor to be, Sir, [etc.].

1178

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [4]

[EXTRACT]

No. 4 LEÓN, *October 2, 1851.*

SIR: The State Department will, herewith, receive my entire correspondence with the de facto government at Leon,[5] and, as matters now stand, I can not but look back, with satisfaction, at the firm and decided course, I took on the instant, that the difficulties commenced here.

[1] Despatches, Nicaragua, vol. 1, enclosed with Kerr to the Secretary of State, No. 4, below, this part, doc. 1178. [2] Above, this part, doc. 1176.

Two days since a commissioner arrived from Honduras, and without waiting for his Salvador Colleague, left this morning for Granada, as the bearer of certain propositions arranged yesterday, as I have been confidentially informed.

The actual debt incurred by the Provisional Gov^{t} at Leon is to be recognised & paid by the State. Don Pedro Zeladon is to be charged with the government & the command in chief, and Muñoz is to retire & go out of the State, should he be required. A reduction of the forces is to follow and a Constituent Assembly be called. All this, you will understand, is the mere splutter of intriguing politicians, now meshed and anxious to be extricated. But a new spirit has been aroused in Central America, and the Government of Guatemala for the first time in many years has evinced a disposition to interest itself in the affairs of Nicaragua. On the 12th ulto., a Circular from Mr Pavon, the Guatemala Minister for Foreign Affairs, was sent off to the different representatives of power in Nicaragua—to Mr Castillon [Castellón], late Secretary to Mr Pineda, now in Exile at Nacaome in Honduras, to the Provisional Gov^{t} here & to that in Granada. It proposes an arrangement of the difficulties by the mediation of Guatemala, in conjunction with the several foreign ministers in the Country. A new issue has evidently been presented to the public mind in the states of Central America, and while no mention is made of it, as a vague apprehension too deeply felt for words, it may eventually bring about a more perfect Union. This has arisen from an act of the de facto Gov^{t} in Leon—the invitation to our American Citizens, accompanied with inducements, mean & contemptible, to join its party. My letter to the Acting Secretary for Foreign Affairs of the 20th,[1] will show the Department in what emphatic terms I thought it becoming in me to denounce such a proceeding.

In the face of my remonstrance the members of the Provisional Gov^{t} have been doing all they can to make the passing Californians subservient to their purposes. You may imagine my position here, when the success of the Revolutionary movement is regarded by Muñoz and his junto as mainly dependent on the assistance thus to be secured, and what a keen sense of injury they affect to feel against me for bold efforts to counteract them. I am humiliated in being obliged to add, that not a single American among those, resident in Leon and the neighborhood, can be found to co-operate with me. I have stood alone. In fact everything has been said and done among them to neutralize my influence and to engender prejudice. Among these Californians, I have always found some few, ready to listen and able to appreciate at once, through whom their companions were held to their allegiance.

In my communication of the 22^{d} ult^{o} to the Provisional Gov^{t}[2] here, on the

proffer of a friendly mediation the likelihood of some decided action on the part of the United States, in case these civil dissensions were to be left to the Americans, casually or permanently in Nicaragua. If Leon hired their services; so would Granada, and what a spectacle would be presented to the World! Yet some there are, and clever men so called, with fancied interests here to be bettered, as they believe, after listening to the fustian of Muñoz about the American cause (forsooth, in such hands, as his,) who would insist on it, that I have no right to advise my countrymen against a dishonorable violation of neutrality. The de facto Gov^t has been emboldened by these backers to use language, not at all consistent with the courtesy due to my official station, and for state reasons only, I have smothered my resentment.

In reply to their communication, of the 25th ulto,[1] I determined on more mature reflection to suppress a stinging reproof for their ill-concealed insolence. It was couched, of course, in the language that diplomatic etiquette would have permitted. In lieu of it, I sent my letter of the 27th ult,[2] referring simply to my previous one, which needs no further gloss or explanation.

I have effected my true object in remaining at Leon notwithstanding the pressing solicitations of Mr J. L. White, on his coming, to join him at Granada. I heard nothing of him after the first week or two; but, no doubt, he thought, his objects and purposes paramount. He wrote me word that he had important despatches from the State Department, and for a while I felt considerable embarrassment. My presence in Granada would have been taken as a tacit recognition of that *Provisional* Gov^t, and I had made up my mind to wait, till order was restored.

No one here has seen the new contract of Mr White; but among the resident Americans the most violent feeling has been produced by it, here [and?] in Granada, as I have been informed. The provisional Gov^t here, seized upon it, at once, for the capital, it would bring, and on a review of the whole subject, I deemed it proper to reply to the Protest against Mr White. My reply [3] accompanies this letter, and it is for the Department to judge, if in possession of the new contract, how far it absolves the Gov^t of the United States from the obligations of the original one, to which so much importance has been given by the joint action of the United States and England.

I will continue my efforts to keep the Californians from any active participation in the war between the factions, and I can better carry out the purpose here in Leon. The regular steamers, in connection with the transit line, land their passengers at San Juan del Sur, and there is no time for tarrying and breeding mischief in that place. Many, however, are set on

[1] Above, this part, doc. 1176.

[2] Above, this part, doc. 1177.

Panama, & find it very convenient to be out of stores and in unseaworthy condition just off the port of Realejo. Most of these persons have started for home with just enough, on a calculation of ingenious parsimony, to pay their way, and there are others, fairly destitute of means. Granada is at some distance & from among these, so situated, Genl Muñoz was sure of being able to find many recruits. It is highly creditable to my Countrymen, that thus far very few have been induced to barter away their privileges as American Citizens, and, I believe, that the twenty or thirty in service have been the residents in and about Realejo for some time. One of these persons, John Maclaine, of La, with a commission of Col[n] under Muñoz sailed a short time since from Realejo for San Juan del Sur, with some twenty five men, intending to pass in the Lake Steamers to San Carlos, which was to be seized & held for the Gov[t] here. It is a point of much interest, as there is a custom house and a fort of some strength—the key in fact to the State. He had calculated so largely on the co-operation of a sufficient number of the Americans at San Juan del Sur, that he had made no secret of his intended expedition. The Provisional Gov[t] at Granada has sent to me copies of his letters, through which information was given some days in advance of his arrival, and at the first moment of leisure I will copy them for transmission to Washington. Maclaine was immediately surrounded on his reaching a house, and in the melee, that ensued, five of the Granada men were killed, and one American, who, from what I can gather, was in no way connected with the business. His death excited the Americans and the rescue of Maclaine followed, he being sent off, by way of compromise, to California in a steamer on the point of sailing. In a few weeks he is to be here again with a force gathered together in San Francisco; but I presume the United States officers will take a stand against it, as an infraction of Law. These things have been suddenly so precipitated upon me, that I have had no time or opportunity for communicating with the Commanders on the Naval Station in the Pacific or for addressing a letter to a Judge or Marshal in California.

With one hundred Americans, Muñoz will not hesitate longer to march upon Granada, and scenes, disgraceful to humanity & civilization must ensue. I do not believe that any headway could be made in San Francisco against a popular excitement, which Maclaine may be able to excite. Cut off from all regular communication with Granada, I am unable to have correct information and my own letters for the Department have to be trusted to the California strangers, as they pass. I would have sent off a special messenger some days back, if among the resident Americans in Leon a suitable person could have been found. Two trustworthy men, on their way this morning, have promised to take this to New York for me.

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [2]

[EXTRACT]

No. 5 LEÓN, *October 21, 1851.*

SIR: . . . It is a grave question for the government of the United States, how far American citizens, with the present concession of right of way to California, can be suffered to go in fomenting disturbances here; and when there is imminent danger of sanguinary scenes, such as have disgraced humanity in past years, whether their active participation, under a fancied personal license, may not compromit us before the world. I have not hesitated to take firm ground against the two or three residents here, who have been flattering Muñoz with the assistance of as many Americans, as he needed, and in my correspondence with the Provisional Government at Leon you will see, in what strong terms I denounced the offers of pay, so degrading to any man, who had a just appreciation of his privilege of citizenship under such a Union as our's. This auction of soldiers on the very decks of American vessels, in Realejo bay, must have been a humiliating spectacle, and I can not readily forget or forgive the insolence of the Government, which has abetted it. I will spare no sacrifices, personally, to disabuse all within my influence of sentiments, inconsistent with the spirit of our Neutrality Acts, and I yesterday gave the owner and captain of the steamer, which brought McLane and his men from Acapulco, to understand, that one of our National Ships might have been justified in the attempt to vindicate our Law by the seizure of his vessel on the high seas, where every government has a personal jurisdiction over its citizens. With this nucleus, at Muñoz's command, the work of enlistment may be more successful than heretofore. . . .

I have the honor [etc.].

[1] Routine matters occupy the omitted portion.
[2] Despatches, Nicaragua, vol. I. Receipt date not indicated.
The two omitted portions deal with internal political turmoil and with routine matters.

M. F. Pavón, Minister of Foreign Affairs of Guatemala, to Henry Savage, in charge of the Legation of the United States in Guatemala [1]

[TRANSLATION]

Confidential GUATEMALA CITY, *October 25, 1851.*

SIR: I have the satisfaction to accompany herewith, copies of the Constitutive Act of the Republick, decreed the 19th. inst. by the Constituent Assembly, which document is of the greatest importance to this country. I doubt not but it will be of satisfaction to Mr Savage, and it is moreover, pleasing to me to inform him, that it has been transmitted to Mr Molina our Minister in Washington for the information of the American Government.

I am, Sir, [etc.].

1181

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [2]

[TRANSLATION]

Private NEW YORK, *October 30, 1851.*

The Minister of Nicaragua having been apprized of some circumstances which have lately occurred in Granada, relative to the grant, which, Mr. T. S. [J. L?] White, legal adviser of the Maritime Canal company, obtained from the Government of Nicaragua, which was, a separation of the Canal undertaking, from that of the construction of a provisional route, between the Atlantic and the Pacific, which is now open, he has the honor of addressing himself to the Hon. Daniel Webster, Secretary of State, for the purpose of ascertaining, whether Mr. White, was actually entrusted, on the occasion of his late visit to Nicaragua, with a private commission from the Government of the United States, offering to bring the question, actually pending, with the British government, relative to the port of *San Juan*, and the Mosquito territory, to a speedy and advantageous settlement, and favorable conclusion; and, whether, the aforesaid Mr. White had been authorized to declare, in the name of the Republic, that the Government of the United States, was disposed, conjointly with the British government, to compel Nicaragua, in the event of any violation of the original contract, faithfully to carry out every clause of the same.

The Minister of Nicaragua, remembers perfectly, that, in the course of an interview he had with Mr. White, in Washington, either towards the latter

[1] Despatches, Guatemala, vol. 3, enclosed with Savage to the Secretary of State, No. 10, below, this part, doc. 1183. The document enclosed with this note does not come within

that he had just entered into an agreement with Mr. Daniel Webster, Secretary of State, to the effect, that the Government of the United States, should abstain from all kinds of negotiations with the Minister of Nicaragua, while the question, concerning certain alleged violations, which the aforesaid Mr. White maintained to have been committed by the Government of Nicaragua, in regard to certain clauses in the original canal contract, remained unsettled; and, as, at that very time, the Minister of Nicaragua was negotiating with the Honorable Secretary of State, conjointly with the Ministers of Great Britain and Costa Rica, in Contradiction of Mr. White's statement, the Minister of Nicaragua has reason to believe, that in this last instance, as well as on the occasion, which has been the immediate object of this communication, Mr. White was only obeying the impulses of a new desire to be personally officious.

In asking, the Honble Daniel Webster, Secretary of State, to be pleased, to reply to the questions contained in this communication, the Minister of Nicaragua avails himself of this opportunity [etc.].

1182

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

[TRANSLATION]

Confidential NEW YORK, *October 30, 1851.*

The Ministers of Nicaragua and Costa Rica, being convinced, that the actual state of the question pending between their respective Governments, is a source of immense evils and injury to their mutual interests, and, to the perfect development of the political and Commercial relations of both;—and, being desirous, therefore, to put an end to these evils, and, to facilitate, on their own part, a complete and final settlement of the business pending with the British Government, have agreed to meet and to devise the most suitable means, for realizing the patriotic object, which they have proposed to themselves.

With this purpose in view, Señor Molina, owing to the relations and compromises which bind Costa Rica to the Government of Her Britanic Majesty, has written to the English Chargé D'Affaires, at Washington, on the subject; and the Minister of Nicaragua, trusting in the good wishes, which actuate the Government of the American Union, has the honor of addressing himself to the Honble Daniel Webster, Secretary of State, to whom he submits the matter, entreating him, at the same time, that he will have [illegible]

cessions to each other, in regard to the free navigation of their own waters, in the interior; agreeing, moreover, to conclude, subsequently to these arrangements, a treaty of friendship and commerce, which should guaranty the respective rights and interests of the parties, in perpetuity.

The Minister of Nicaragua, has, therefore, the honor of submitting this matter to the enlightened consideration of the Honble Daniel Webster, hoping that he will be pleased to favor these negotiations, in order that they may be brought to a speedy issue; and he begs to inform the Secretary of State, at the same time, that the Ministers of Costa Rica, and Nicaragua, are ready to repair forthwith to Washington, if the Honble Daniel Webster, should deem their presence there, necessary, to carry out the ends proposed.

Begging the Secretary of State to have the kindness, to return a speedy reply to this communication, the Undersigned, [etc.].

1183

Henry Savage, in charge of the United States Legation in Guatemala, to Daniel Webster, Secretary of State of the United States[1]

No. 10 GUATEMALA CITY, *November 10, 1851.*

SIR: The Constituent Assembly met on the 16th August last; a few of the liberal members sent in their resignation, the seats of several of the absentees were declared vacant, by reason, as is alleged, of their having accepted Office under the Government of other States, and the others not counted, the deputies being still absent. New elections were made to complete the number, among the partizans of the Government and the result of their deliberation is the enclosed Constitutive Act, translation of which is herewith forwarded:[2] this act was signed by the Representatives on the 19th October ult^o^; on the 22nd General Carrera was *declared* President of the Republick, and on the 6th inst, he took possession with regal pomp.

I also enclose copy of a note sent to me by the Secretary of State for Foreign Affairs.[3]

It behooves me to call your attention to this new law; to judge from the tenor of the numerous articles written by persons in the employ of the Gov-

[1] Despatches, Guatemala, vol. 3. Received January 21.
[2] See note 1, p. 249, above, this part.
[3] Above, this part, doc. 1180.

ernment, and published in the Government Gazette, which I have regularly forwarded to your Department, traducing the policy of the U States' Government, it would seem, as though the actual rulers of Guatemala, were desirous of exciting a prejudice against the institutions of the United States, and thus prepare the mind of the people, for a system of Government diametrically opposed to that founded on liberal principles; and, in a recent editorial in the Gazette N° 71, "On the injustice of the efforts made by the Annexionists of Cuba," it is boldly suggested, that the salvation of this country, is to be sought in Alliances with Governments which have an interest in affording a guarantee to the independence of the country, and coincidently with this, is the newly created Constitutive Act, wherein the President of Guatemala is fully empowered to conclude and ratify treaties of Alliance with Foreign Powers.

There is but little confidence entertained as to the stability of this Government; it is true that so long as Carrera is at the head of the Government quietude may be expected, and the moment he disappears anarchy will ensue. He is bound by this new law to act in concurrence with the Council, nevertheless, he is a Dictator, as the members will only be submissive to his will, which is that of an illiterate barbarian and not to be controlled by such men.

Very Respectfully [etc.].

1184

Felipe Molina, Costa Rican Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

NEW YORK, *November 20, 1851.*

The Undersigned Minister Plenipotentiary of Costa Rica, begs leave to lay before the Honorable Secretary of State of the United States the enclosed copy of a communication that he addresses under this same date to Mr. John L. White, Agent of the Atlantic Pacific Ship Canal Company; protesting against the occuppation contemplated by that Company of certain lands belonging to Costa Rica.[2]

[1] Notes from Central America, vol. 1. Received November 22.

[2] The letter to Mr. White, whose first name appears elsewhere as "Joseph", and is usually referred to as J. L. White, follows:

Felipe Molina, Costa Rican Minister to the United States, to John L. White, Agent of the Atlantic Pacific Ship Canal Company

NEW YORK, *November 20, 1851.*

SIR: With reference to the statement you made to me, a few days ago, saying that

the spirit of the Ship Canal Convention concluded between the United States and Great Britain; and at the same time evidently injurious to the course of the negotiations opened for the settlement of all differences in regard to those territories.

The Undersigned takes this opportunity [etc.].

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involves a direct violation of the rights appertaining to the Republic of Costa Rica, who is the only legitimate owner of all the territories lying on the southern side of the San Juan river, along its whole course, and that in consequence of this just claim, the Republic of Costa Rica has protested before the world and again protests through my instrumentality, against the validity of the grants that the state of Nicaragua has unduly assumed the power to make to the Atlantic Pacific Ship Canal Company, and that she will not allow establishments of any kind to be formed, on the above mentioned bank, unless her own consent be previously obtained.

The Company is aware that the question respecting the Sovereignty of the aforesaid territory between the Republic of Costa Rica and the State of Nicaragua, has been the subject of negotiations, opened under the mediation of the Governments of the United States and Great Britain; and the Company is also aware that those negotiations are still pending. In such circumstances, it seems necessary that the Company should refrain from every proceeding which might change the present condition of the interests at issue, between the parties maintaining contradictory claims to the same.

The circumspection that has presided over all the acts of the Republic of Costa Rica in this affair, the regards she has had for the State of Nicaragua, and the friendly dispositions she entertains respecting the Atlantic Pacific Ship Canal Company, are, in my impression, circumstances which entitle her to expect from others all due considerations, and that her rights shall not be tramped upon in a violent way.

If, on one hand, the Government of Costa Rica, listening to reasons of an elevated order, thought fit to suspend the course of the contracts that had been concluded in its name, and were afterwards duly ratified, both for the purpose of cutting a ship canal, and for the establishment *ad interim* of a transit route by the best possible means: contracts, which it would be easy, even as this late hour, to carry out, either with European or American speculators, on the other hand it is not to be presumed that the Republic, in any plan of settlement whatever, may be disposed to recognize the grants of land made by Nicaragua; although she could perhaps be willing to give to the people of that state, other proofs of fraternity and regard.

This declaration will not preclude, that on the application of the company, and the Government of Costa Rica, finding it expedient, some lots of land of small extent may be granted to the company on the bank of the river for the building of Depôts, Wharves and Stations, according to the agreement which might be entered into, to that effect.

You will, therefore, perceive that the present protest, has not been dictated by a spirit of hostility to the company, it being only a measure of self defence and self preservation, which duty ordains to me, and to which I expect due attention will be paid, so as to preclude the necessity of other steps.

It will not be superfluous to inform you that, under this same date, I send copies of this letter to the Secretary of State of the United States, and to the Representative, in this country of Great Britain, and of the State of Nicaragua.

I take this opportunity [etc.].

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *December 5, 1851.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of Nicaragua, has seen with pain and astonishment, the protest, which the Legation of Costa Rica has addressed to the Government of the American Union,[2] to the Chargé D'Affaires of Her Britanic Majesty in Washington, and to the Maritime-Atlantic-Pacific Canal Company, in consequence of having learnt from the agent of said Company, that the latter was making preparations for occupying and colonizing the lands, which had been granted to it, by the Government of Nicaragua, on the right borders of the river San Juan, in virtue of the 27th article of the contract concluded on the 27th of August 1849.

The Undersigned, without entering fully into the merits of this question, at present, and without reproducing, in this place, the various arguments and reasons, which have already been advanced, in support and justification of the Sovereignty of Nicaragua, over the right bank of the river *San Juan*, and the right, which consequently belongs to said Nicaragua, to dispose of those lands, finds himself under the necessity of protesting, in the face of the world, as he does, in fact, hereby protest, against the pretensions of Costa Rica, which are not only fraught with detriment and injury, to the rights and sovereignty of Nicaragua, but which are even at variance with established precedents.

The Undersigned declares moreover, in the name of his Government, that the latter will not allow nor tolerate the least damage or curtailing of its well established rights, and that it is and always will be ready to maintain them, at all hazards, costs and perils.

The Undersigned avails himself of this opportunity [etc.].

1186

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [3]

[EXTRACTS]

LEÓN, *December 15, 1851.*

SIR: I have acquainted myself with the course of events in this distracted Country sufficiently now to communicate facts and opinions, that may be

actually on foot two other attempts of a similar nature. It is alleged & I believe, with some show of plausibility, that Castillon [Castellón] himself, was to have headed a revolution on the 5th of August for the purpose of seizing the reins of government, during which the lives of his Chief, Pineda, Genl Muñoz & the Bishop were to have been sacrificed! This I could not have credited, if my good opinion had not have been so completely undermined within the past few weeks from cool blooded acts of treachery directly under my own eyes—But for this let me refer you to the annexed documents.[1]

During these same early days of August Jose Guerrero & Pablo Buitrago, two *Ex-Directors*, had their schemes for being rid of Pineda & Muñoz, & so succeeding to the control of affairs. These gentlemen were the arch-spirits of the National Representation, a body of six members, that convened in Novr 1849 at the town of Chinindega [Chinandega], a few leagues from this City, for the purpose of settling upon articles of Union for Honduras, Salvador & Nicaragua, and ended its sitting by voting the Supreme power into its own hands. Up to this time they have received salaries, & exercised a feeble sway; but a recent adjournment to Tegusigalpa, a remote town in Honduras, was regarded as a tacit resignation on their parts, till the influence of Honduras in tendering aid to M[r] Pineda, somewhat galvanized them. I have recently been thrown much with two of the members of this National Representation, Mess[rs] Barundia & Zeledon—the former, an exile from Guatemala & representing Salvador with an exceeding degree of vindictiveness against his native state, and the latter, a man much esteemed for blunt honesty and directness of purpose. Zeledon has not scrupled, as far as my imperfect knowledge of Spanish enabled me to comprehend him, to denounce the body, as an arrant humbug, capable of a vast deal of mischief and even in the best hands of no good whatever. M[r] Pineda has just offered to M[r] Zeledon the secretaryship of Foreign Affairs in Nicaragua and his acceptance must give a deathblow to any usurpations of the National Representation. It is hardly possible, that it will be tolerated by the Granada party, as nothing short of the heads of Guerrero & Buitrago would a few weeks ago be satisfactory in answer to terms of peace from Leon and these very men rely for influence on their seats in this body. But, as if to mark the inconsistency of these people, an Exequatur was refused a short time since at Granada to Mr Dardano, as Consul of Sardinia, on the alleged ground of want of power to manage foreign affairs, save through the National Representation. The same thing was hinted to me by Mr Castillon [Castellón], as Minister of

[1] Not included in this publication; excepting two of them, which ask for the recognition of consuls, the others relate to the internal political strife.

day, when I should present my credentials; but he was then in trepidation, lest my acceptance by Nicaragua should excite the ill-will of Guerrero, Buitrago & others & thus become a sudden motive for an outbreak. It was intimated to me, that a civil war would inevitably follow my presentation & acceptance by Nicaragua; but I repelled it, as a threat & so far an insult. The fact of Mr Marcoleta's presence in Washington, as the Minister from Nicaragua was a strong evidence of her independent position & self respect, [and?] in view of my commission forbade my looking elsewhere, till I had been fully & better advised. After the 4th of August, I heard nothing of the National Representation; though from the perfect understanding between Muñoz & Guerrero, I inferred, that it would receive the support of the former, in the face of a long communication, to some one in Costa Rica, denouncing it, as useless & dangerous. When Genl Muñoz was about to march upon Granada, Guerrero was named, as his second in command, with the charge of the Plaza.

No decisive movement could be made in the rainy season and it was evident, that Muñoz dreaded the political manoeuvrers in Leon quite as much as his open enemy at Granada— I have detailed to you my conferences with him & other members of his provisional government, in which I characterised these political escapades, as disgraceful to men under a Republican form of government & at the moment peculiarly disastrous to Nicaragua.

Within a few days past I have received your No. 8, Augt 15th 1851,[2] and it is probable, that my correspondence with the Leonnese Provisional government has not reached Washington— It contained an account of my successful efforts in restraining any considerable number of the passing Californians from taking part with Muñoz, and it was fortunate, as the sequel has shown. At one time the resentment of Abounza & Muñoz was so great, that they were about to send me a passport, and the contrast of the past month is striking enough, when they have been obliged to throw themselves upon my protection.

Had the enlistment of Americans been attended with any success, Granada would have been taken & given to pillage. Genl Muñoz did not feel secure without the assistance of these foreigners, and hence he preferred the clever manoeuvring to the bold game of the soldier.[3] . . .

There is another silly apprehension, that may probably more than anything else work ruin to Genl Munoz— It is alleged, that he may easily call round him a body of Americans & foreigners, & so take possession of the Country. Strange to say, the better order of people seem to long for some foreign flag, under which life & property may be guaranteed. So this step would have advocates, & thus he may be the victim of an idea.

lesson. Most of them have suffered from illness, consequent upon exposure in the hurried retreat from Leon on the afternoon of the 11th ult°, when they first had intimations of treachery on the part of the Honduras General. One of the number, disabled by illness, was unable to overtake his companions, & made his way to my house for protection. He was too weak for restoratives, & died in a few days— Though of Scotch parents, brought up in Edinburgh, he was born in Waltham, M^s and his name was James Forest Harper. Despite his heresy he was buried, at my expense, within Church precincts, by a kind hearted priest—a sign of the times, by the by, in a Country like this.

With the Americans it was a mere question of self-interest, on which side they took arms, and coming, as mere adventurers, they were more inclined to pass on to Granada, where it was understood, that ample means were provided for payment. The Americans, resident in Granada, from jealousy of the privileges conceded to the Canal Company were believed to have much sympathy with Genl Muñoz. Once at Granada, there was no danger of any participation in the civil broils on the part of these Americans, who had landed at Realejo with no knowledge of the Country or its political questions, and I did my best to speed them on their way there.

I trust, that this bickering among the resident Americans may give place to better feelings. The Canal & transit Company has been at great outlay and its just rights under charter & contract ought to be respected. Granada & Leon are so far apart, that I hear little or nothing of it. I was made aware of its existence from the bold assertions of Muñoz & his partisans in regard to American sympathy every where, save in my case. I came, however, for the simple purpose of doing my duty, and it was no part of my Mission to collude with either faction. Genl Muñoz is an exceedingly weak & vain man and his success would have been a signal for all kinds of extravagancies. Confused & doubtful, as political affairs now stand, it is better thus, than the tranquillity, which this man would have brought— . . .[1]

I have the honor [etc.].

1187

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [2]

[TRANSLATION]

WASHINGTON, *January 29, 1852.*

The Minister of Nicaragua, presents his respectful compliments, to the Honorable Mr. Daniel Webster, Secretary of State of the American Union,

José de Marcoleta, Nicaraguan Minister to Great Britain, to Lord Granville, British Secretary of State for Foreign Affairs

[TRANSLATION]

WASHINGTON, *January 17, 1852.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, near the Government of Her Britanic Majesty, has the honor of addressing himself to His Excellency Lord Granville, principal Secretary of State for Foreign Affairs, for the purpose of submitting to his consideration certain occurrences, which have taken place in the port of San Juan, and in the neighboring territory, since last year;—a state of things, which, if continued, might be the means of complicating the negotiations actually pending, between the governments of Her Britanic Majesty, of the United States of North America, and of the Republics of Nicaragua and Costa Rica.

These negotiations were commenced in the month of last June, and subsequently suspended in July following, in order to wait for fresh instructions, which had been asked of the Government of Nicaragua; the Undersigned not considering himself sufficiently authorized to accede to the form of certain propositions which had been made to him, nor to the conditions imposed for the delivery of the Port of San Juan.

It appears that since that period, the authorities of said port, have proceeded and continued to sell portions of the lands comprised between the mouth of the river San Juan and what are called, the rapids of Machuca; when, on the contrary, every act, tending to embarass, or to throw any difficulties in the way of a peaceful and amicable conclusion of these negotiations, ought to have been suspended. It appears to the Undersigned, that the *Statu Quo*, ought to have been strictly observed; at least, until the final decision of the high parties interested in the matter.

The Government of Nicaragua desires, and has always desired, to live on amicable terms with the British Nation, and to establish upon solid foundations, a good, sincere and lasting friendship between the two governments: the two countries would find their own interest in the perpetuity of such relations. It considers, and has always considered friendship between the two nations, as a guarantee for its happiness, as an imperative necessity to the developement of its wealth, and of the advantages which it owes to nature, and, it is convinced, at the same time, that these sentiments are reciprocated on the part of Her Britanic Majesty's government.

Consequently, the Undersigned, has reason to hope, that His Excellency Lord Granville, after having appreciated the circumstances, in relaiton to the facts herewith contained, and taken into consideration the negotiations which are actually pending between the interested parties, will be so good as to issue orders to those whom it concerns, not only for causing said sales to be stopped, but also for preventing those which have already been made, from being approved and legalized.

The Undersigned would wish further, to call the attention of His Excellency Lord Granville, to the conditions, which have been imposed upon the Government, relative to the delivery of the port of San Juan. He hopes that His Excellency will be pleased to soften the severity of those conditions, as a proof of the desire which actuates Her Britanic Majesty's Government, to maintain and to continue those relations of good will, with the Republic of Nicaragua, which ought always to have existed between the two countries, and as a pledge of those, which will undoubtedly exist in future, and which might be the more and more strengthened, through the medium of a treaty of friendship and commerce, which the Republic of Nicaragua is ready and disposed to conclude at an early day, with the Government of Her Britanic Majesty.

The Undersigned avails himself of this occasion, [etc.].

WASHINGTON, *February 7, 1852.*

SIR: Two months ago I had the honor to transmit to you a copy of the protest I had just then addressed to Mr. White,[2] as Counsel of the Atlantic Pacific Ship Canal Company, with reference to the proceedings of that Company in Central America.

As you are aware there are some conflicting claims between Costa Rica, Nicaragua and the Mosquito People in regard to the right of navigation on the river San Juan and on the Lake of Nicaragua and likewise in regard to the sovereingty of the territories adjoining there to. The adjustment of those differences has been long time since a disideratum as a preparatory step to the realization of a ship canal communication from sea to sea. Acordingly this important object has been the matter of lengthened negotiations between the Government of the United States and that of her Britannic Majesty, and a plan of a final settlement was proposed by the British Minister in this Capital, in the month of July of the preceding year; which unfortunately was not accepted at once by the Representative of Nicaragua.

I presume you are aware likewise, that Mr. White himself proceeded thereupon to Nicaragua for the purpose of promoting the termination of that affair, and that of soliciting a new charter granting to the Company the privilege of conveying passengers and mercandise across the Isthmus by any practical means; prior to its being enabled to achieve the undertaking of the contemplated ship canal. This last object I have been given to understand the Agent of the Company succeeded to obtain, on what terms and for what extent of time I do not know, but it is believed that his success was owing, in a great measure, to his appearing as possesing the unqualified support and confidence of both the American and the British Governments.

The political disturbances that took place in Nicaragua and in the midst of which those new concessions were granted have hindred until now any further progress in the negotiations.

In the meantime, the Company has been actively engaged in establishing and securing the monopoly of the passage. The Company seems more over disposed to occupy certain portions of land on the Southern bank of the River San Juan: a territory belonging to Costa Rica and which, although claimed likewise by Nicaragua, is not in actual possion of either State. Finally the Company represented by Mr. Vanderbilt, its leading member, has applied to Congress and asked for a contract for carrying the mails between New York and San Francisco.

[1] Notes from Central America, vol. 1. Received February 7.
[2] For his letter to Mr. White, see p. 252, note 2, above, this part.

implied understanding that the *statu quo* or present state of things must be maintained as long as the differences above alluded to, should not be amicably adjusted, and I think I would deserve much to be blamed did I not denounce them to the Government of the United States as an atack upon the rights of the Republic of Costa Rica.

Allow me Sir, to observe that from the moment in which the Convention of the 19th April was concluded and the Governments of the United States and Great Britain, declared their resolution to favor and protect any enterprise for the opening of an interoceanic communication over the territories of Central America, the high contracting parties imposed upon themselves, a certain moral obligation to see that the undertaking should be carried on *bona fide* and by proper means and that no wrong should be done to the small and weak States concerned in it.

Under this impression I entertain the hope that the Government of the United States prompted by its sense of justice and by its good will and friendship respecting Costa-Rica will condescend to interfere in the present case, and to advice the Company, which is composed of American citezens to suspend their operations, so far at least as regards the location of lands.

I trust however, that, although I now confine myself to this particular point, in order to show that Costa-Rica is willing to let the Company have all the possible scope, under existing circumstances, and not to impede the progress of its labors, whether their aim be the construction of the contemplated canal or the simple transit; on the other hand Costa Rica does not renounce her rights to the navigation on the river San Juan and on the Lake Nicaragua and considers herself at liberty to grant charters for either, or both those purpposes, and for the conveyance of Mails, to any other individuals or companies; and to conclude with Foreign Powers any Postal Treaties that should be deemed expedient.

Requesting that you will have the kindness to take in consideration at an early day the contents of the present note, I have the honor [etc.].

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John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to the Minister of Foreign Affairs of Guatemala [1]

No. 5 LEÓN, *February 14, 1852.*

SIR: One of the objects of my mission to Central America was the exchange of the ratifications of the treaty between the United States & the Republic of

authentic instrument committed to my charge.

I reached Leon a few days previously to the outbreak of the 4th of August, & from that time the condition of the Country has been such as to preclude the possibility of this journey. Nicaragua enjoys tranquillity now & after some arrangements with the Supreme Government at Managua I propose to set out.

The period originally limited for the exchange of the ratifications was extended by the Senate of the United States to any time, prior to the 1st of April last, and that having past, the formalities may still be carried out with the proviso, that the treaty is not to be published, or considered obligatory on either party, till it have the sanction of that body.

I have the honor [etc.]

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John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to the Minister of Foreign Affairs of Salvador [1]

No. 6 LEÓN, *February 14, 1852.*

SIR: On the second of January Eighteen hundred and fifty, a treaty of amity, navigation & commerce was signed with the Republic of San Salvador, and the exchange of ratifications having been unavoidably delayed, I have received full powers to arrange the matter.

The period originally limited for the ceremony expired, before the treaty could have the approbation of the Senate of the United States, and it was subsequently extended to any day prior to the first of April last. Though that day has also past I propose to conclude the formalities under a proviso, that the treaty be not published or considered obligatory on either government, until the exchange has been duly approved by the Senate.

So soon as I conveniently can, I propose to visit San Salvador with my credentials in this behalf.

I have the honor to be [etc.].

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José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [2]

[TRANSLATION]

WASHINGTON, *March 5, 1852.*

The Undersigned has the honor of enclosing to the Hon Daniel Webster, Secretary of State of the American Union, copy of the reply of Lord Gran-

It seeming likely, that the negotiations, which were suspended in July last, may be resumed in Washington, before long, it will not be deemed inopportune, that the Undersigned should submit some remarks, to the consideration of the Honorable Secretary of State, of the American Union, which are sufficiently connected with the note of the 17th of January, which the Undersigned had the honor of communicating to the Cabinet of Washington. Before all, it does not appear to the Undersigned, that the British Government has understood the real meaning of that communication, in which, abstaining entirely from every kind of territorial claim, the undersigned confined himself, to simply pointing out to the British Government, the irregularity of the proceedings on the part of the English, *not Mosquito*, authorities, of the port of San Juan; who had commenced emancipating and selling certain lands, which, the pending negotiations would appear to show, "in a

[1] For his note to the British Foreign Office, see p. 258, note 1, above, this part. The reply of Lord Granville, mentioned here, follows:

Lord Granville, British Secretary of State for Foreign Affairs, to José de Marcoleta, Nicaraguan Minister to Great Britain

LONDON, *February 13, 1852.*

The Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs has had the honour to receive the note which Monsieur de Marcoleta Envoy Extraordinary and Minister Plenipotentiary from the Republic of Nicaragua addressed to him on the 17th ultimo from Washington on the subject of certain facts which are alleged by Monsieur de Marcoleta to have taken place at the Port of Grey Town, and which he represents of a nature to complicate the negotiations respecting that Port and district which are pending between Great Britain, the United States, and the Republics of Nicaragua and Costarica.

The Undersigned has the honour to inform Monsieur de Marcoleta that Mr. Crampton, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington has been instructed by Her Majesty's Government to conduct the negotiations at Washington respecting Grey Town and the Mosquito Territory, which have been so long interrupted by the want of instructions from the Government of Nicaragua to their Representative at Washington; and the Undersigned request[s] therefore that Monsieur de Marcoleta will put himself in communication with Mr. Crampton on all points connected with those negotiations.

The Undersigned has however to observe to Monsr de Marcoleta that Her Majesty's Government cannot admit the claim which he has put forward to interfere with the sale of any part of a territory over which Her Majesty's Government have always denied, and still deny, that Nicaragua has any jurisdiction.

In thus recording their continued rejection of the rights which the Nicaraguan Government asserts over the Mosquito territory, the Undersigned wishes at the same time to state that Her Majesty's Government earnestly desire to maintain the most friendly relations with the Republic of Nicaragua: and they trust that means will be found in the course of negotiations, which, it is to be hoped, will speedily be reopened at Washington for settling in a manner equally fair and honorable to both parties the points of difference which still unhappily subsist between Great Britain and Nicaragua.

The Undersigned [etc.].

political sense," that they do not belong either definitively or legally to any of the parties interested; in as much as, this point of dominion, sovereignty, and jurisdiction, has been left, as depending upon the results of the aforesaid negotiations.

The undersigned, in making known to the Cabinet of St James, the wishes of the Government of Nicaragua, to maintain the most friendly relations with the British Government, appealed to the English Government to interfere, in preventing certain measures and acts which were in direct opposition to established usages on similar occasions; acts which would, without the least doubt, tend to complicate more and more those negotiations, which it was now desired to simplify, by throwing obstacles in the way of a just solution of the same.

In his note of the 17th of January last, the Undersigned, abstained from claiming any Jurisdiction or right whatever; such claims having already been put forward, in the various communications which had been addressed to the British Government, to that effect, on different occasions.

If the sales in question, had even been confined to the lands contiguous to the port of San Juan, the new declaration contained in Lord Grenville's note of the 13th of last February,[1] might have some show of foundation; far from this, said sales have been carried on, over a considerable extent of territory, about which, there had existed no controversy, nor reclamation of any kind, on the part of the British Government, in favor of the pretended King of Mosquitos; so much so, that a simple note of Mr. Chatfield, Chargé D'Affaires and Consul General of Her Britanic Majesty, in Central America, alienated from the States of Nicaragua and Honduras, a great portion of their respective territories. This arbitrary act, of which, the undersigned had the honor of informing, in due season, the Hon Secretary of State of the American Union, was consummated without the intervention of the respective Governments of Nicaragua and Honduras; without the latter being summoned, or consulted, or allowed time to prove their legitimate rights, and especially against the text and meaning of the treaty concluded between the United States and Great Britain, on the 19th of April 1850, (article 1st) which was ratified shortly after, by the two high contracting parties.

It is impossible, therefore, to deny to Nicaragua the only efficacious recourse, which belongs to the weak, when they are contending with the powerful, without paving the way for consequences, which would be pernicious in themselves, and offensive to the law of nations; it were to say, that force alone, regulates the political, mercantile and territorial transactions of nations, between themselves; when, of the contrary, reason requires, that all should be governed by a due application of the principles of equal Justice—

by any feeling of hostility, towards those nations, with which it finds itself, happily, on terms of reciprocal friendship and good will, and that so far, from wishing to weaken those relations, it desires, on the contrary, to strengthen them, more and more, for the mutual advantages of all, without surrendering, however, those sacred rights and obligations, in which it finds itself constituted.

The Undersigned avails himself of this opportunity [etc.].

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John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACT]

No. 7 LEÓN, *March 15, 1852.*

SIR: By a decree of the 20th of December last, the government of Nicaragua resumed the control of the foreign relations which had been transferred to the National Representation, as preliminary to a movement for Union with Honduras and Salvador. Though it be limited only to such time as that body can be re-united, I regard the arrangement a final one. The members of the National Representation were all in Leon during the early months of the revolution; but they ventured upon no exercise of power beyond a simple motion to adjourn, in November, to Tegusigalpa [Tegucigalpa], a remote place on the borders of Honduras. In doing this, while the Gregorian calendar with all its modern improvements was used, each member, it is very generally understood, had in his mind's eye the Grecian Kalends. As a proof of it, Mr Zeledon, one of the representatives of Salvador, quietly accepted a place under Mr Pineda, ostensibly as Secretary of foreign affairs, though in fact Minister General, and his late colleague, Mr Barundia, is deeply involved just now in some revolutionary movement, in Honduras, proposing on the success of his faction to become a Minister of State there. I regret, of course, that this attempt at even a partial federation should have failed so signally, and the more, as my predecessor on reaching here, in 1849, seems to have laid so much stress on its ultimate aims & objects. Its projectors never went a single step beyond the mere programme of a government in their convention at Chinendega, and after the boasted pact of the 8th of Novr, in that year, all idea of extending power under a system of checks & balances, to the prejudice of the six sitting members of the convention, was evidently set aside. It proved a hot-bed of revolutionary mischief, and deserves a fico for its patriotism. When I reached Leon in July last some of

its members were bent on schemes for annulling the charter & contract of the canal and transit Company and thus throwing the privileges, conceded there into open market again. They would seem to have regarded the company, as a foreign corporation, with which it was their business to intermeddle.

My No. 6, of Decr 15th,[1] had anticipated the points, you have suggested in your No. 9,[2] and you may be assured, that no proper efforts will be spared to uphold the transit Company in its just rights, on which such large expenditures have been made. The grand scheme of a ship-canal over this Isthmus has much interest for me, and it would be doing the Department the greatest injustice not to state my well grounded suspicions, that the transit does not look beyond the facilitating passengers across the narrow line which has been selected. This transit Company may do much to open the way for the Canal, and yet while the members of both Companies are identically the same individuals, I do not exactly see, how conflicting interests are to be reconciled, should any such casually appear in the course of time. The treaty of protection has given the Canal such a prominence before the world, that I can not consent to indulge in any doubts in regard to it's *early* and *earnest* prosecution. In this spirit I addressed myself to the Director, Mr Pineda, at *Managua*, on the 18th ulto,[3] when, after my presentation, a formal recognition, under a decree, took place. A copy of this decree will be found in the accompaniments to this communication.

So long as the public affairs were left in the hands of *ad interim* officers at Granada, I was in no haste to present myself; but the moment I understood that Mr Pineda had made Managua, the Capital, his head-quarters, I made it a point to pay my respects to him. Here there is no distinction drawn between the different grades of foreign Ministers, and while I have, *from the first*, been in constant correspondence with the Minister of foreign affairs, I needed the crowning virtue of a personal presentation to the Supreme Director. Being so far on the road, as Managua, I rode on to Granada, &, leaving my horses there, visited other points on the Lake. You will be pleased to learn, that a far better feeling exists among the resident Americans, of whom there are now only six at Granada; while much of the petty jealousy, with which the transit Company was viewed, has also disappeared. On my return to Granada I found Mr Doyle, the agent of the Company on his way to Managua and in order to give him every facility in my power I tarried there on my return to Leon.

In my conferences with Mr Zeledon I took an early opportunity to explain certain objections, to which the recent treaty was open, & at the same time intimated the interest felt by the government of the United States for the removal of all difficulties in the way of commercial relations under treaty.

The Government is not at all disposed to make any move likely to create agitation in the public mind. The Boundary dispute has been a fruitful theme for demagogues, and an arrangement, ever so well aimed for the advancement of the State, in which this question was touched, would be a sure prelude to dissatisfaction in many quarters. Here individual politicians are at work against each other for selfish ends. It can be better arranged at Washington, and instructions have been sent on to Mr Marcoleta. I know not in what frame of mind he may be; but it is in the power of Mr Molina & himself to strike out some equitable adjustment, by which an immediate impulse may be given to the commerce of both States.

There is one thing, against which it may be necessary to guard in the coming negotiations. Costa Rica, with a concession of right of *territory* on San Juan, & along one shore of the great Lake, might very readily build up a rival interest to the present transit. It may be incumbent on the government of the United States to foster this, started under it's auspices; yet such a result has been evidently foreseen by the Company, one of whose members, a Mr Edwd Miller, of N. Y., has proposed to the government at Managua the appointment of a special commission for the settlement of these boundary questions. There is no doubt, that any effort, open or covert, to supersede Mr Marcoleta with the feeling in his favor, as their champion, would be bad policy. Just previously to the revolution in August, when they desired to conciliate Gen1 Muñoz, somewhat excited at a proposed reduction of the army, the idea of a mission to the United States was bruited. Mr Marcoleta has never been made a party to the petty jealousies at work in the state, and few would have motives for carping and catching at his acts. He might therefore undertake an adjustment of all questions with a fair chance of success. Should he from any cause be found wrongheaded, I might then be pertinacious on the point of opening negotiations for a treaty here.

My correspondence with the Provisional Government at Leon had just fallen into Mr Pineda's hands, and he had frequent reference to it in my conferences at Managua. He now very well understands that by interposing in time against the enlistment of Americans I stayed the march of Gen1 Muñoz upon the City of Granada. I may be able to send you in a short time the reply made by him to my address—

On the other hand recent circumstances have placed me on the best footing with the partisans of Muñoz. Among the papers, copied & sent herewith you will find the private letters of Muñoz & Buitrago, expressing their gratitude & thanks in the strongest terms. In Nicaragua where there is, in fact

ill-blood, against each other, natural to mixed races. The tone of society is stronger than the laws, which profess, impotently enough, to define and secure perfect equality— Though the disaffection among the politicians of Leon would seem to have been general, embracing, as it did, the three Ex-Directors, Ramirez, Guerrero, & Buitrago, still there was a good deal of this spirit in the recent revolution.

The idea of English intrigue in Nicaragua is senseless flam, however specious the pretexts of a clever writer, a short time since, in the New York Tribune. Mr Chatfield has never been in the state, as he has defined it on the map, since eighteen hundred & forty two, and English encroachments on the Atlantic began more than a century ago against Spain. A coalition was gravely announced as having taken place between Muñoz, "The head of the federal party" & the English interest. The plain truth is, that Genl Muñoz, just before the revolution in August, had devoted the power of his pen to defeat the contemplated federation, exposing the inanity & folly of the National Representation in a long communication.

It was thought, that a rail road, uniting Granada & the Port of Realejo, would subserve the interests of Mr Manning, a merchant long resident here in Leon, and the violent denunciation of the Leon Government against the modifications of the contract by Mr White, in behalf of the transit Company, at Granada, was set down to secret promptings. The only Englishmen for many years here, save a Mr Glenton, were Messrs Manning & Foster. The death of Mr Foster, the Vice Consul at Realejo, took place on the 7th Inst, and a more perfectly guileless man could nowhere have been found. He was the last person, of whom political aims could be predicated. Mr Manning, with a vast deal of pretension, is an Englishman, married here thirty years ago, and he has enough to do in trimming his sails for emergencies of trade. No one pretends to ascribe influence to him in San Salvador, though he sells cottons here, & purchases his return cargoes there. It seems to suit the letter-writers to represent Nicaragua, as the theater for foreign intrigues.

The government is exceedingly tenacious on this point, derogatory to it in various ways, and in every political emeute here the effort is made to fix the stigma of such influence on the opposite faction. We have constant criminations & recriminations.

It is a fortunate circumstance that the Americans, whom the transit has drawn, are settled off from any of the large towns & in a line of Country hitherto neglected & suffered to remain a wilderness.

Virgin Bay, or the Lake, to which the steamers go, is the creation of the past few months, & San Juan del Sur, when I visited it in July last, confessed to one thatched hut. There are few occasions for angry collisions with the natives of the Country; but the population of San Juan del Sur is described

The agent of the Company, under the idea of maintaining order better there, suggested commissions to Americans, as the Alcaldes at these points; but I fear it was touching a very tender subject, and it might have been evaded by asking for men of known character & reputation, to whom the resident foreigner could have promised support & co-operation. There is a decided disposition with the Nicaraguans to improve in all respects, since they have been brought into contact with the Americans & other foreigners. In a short time a total change may be anticipated in the convenience of buildings & mode of living: . . .[1]

I have the honor [etc.].

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Felipe Molina, Costa Rican Minister to the United States, to Daniel Webster, Secretary of State of the United States [2]

Confidential WASHINGTON, *April 6, 1852.*

Dear SIR: With reference to what you had the kindness to mention to me yesterday, as to the desire of the Ship Canal Company, of having secured to it by the Treaty in contemplation, two sections of land on the Costa-Rican side, of the river San Juan, I beg leave to observe, that having communicated to my Government from the month of July last, the terms then recommended by your own good self and Sir Henry Bulwer, for the settlement of the pending questions, between Nicaragua and Costa Rica; and no proposition of the kind, having been, at, or since that time, entertained, I hardly think myself at liberty, to take any resolution on the subject, without receiving new instructions.

In these circumstances, I would feel extremely grateful to you, if you were to allow me some time, in order to refer to my Government.

I hope you will do me the justice to believe, that it is a matter of deep regret for me, to meet with this unexpected difficulty to the realization of an adjustment, which has been the object of my life for the last four years, and in the negotiation of which I flatter myself I have given many proofs of the self sacrificing spirit of the country I represent. And you may easily conceive that it is, but with great reluctance and pain that I shall, if I must do so, renounce to the honor of being a party to the negotiation.

I beg to renew the assurance [etc.].

[1] This omitted portion deals with internal political matters and legation routine.
[2] Notes from Central America, vol. 1. No receipt date.

Felipe Molina, Costa Rican Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

WASHINGTON, *April 9, 1852.*

SIR: I had the honor to receive your communication of yesterday [2] and in reply to it I beg to say: That as an earnest of my desire to cooperate with you in the accomplishment of the benevolent and elevated design of your Government, I will assume the responsibility of agreeing to the stipulation, that two, out of the eight sections of land granted by Nicaragua to the Canal Company shall be situated on the Costa-Rican side of the river San Juan; provided that an indemnity be paid to Costa-Rica: that the Company shall not select those two sections within ten miles from the entrance of the river Colorado into the sea, or the junction of the Sarapiqui river and the San Juan river; and that Costa-Rica, shall retain her sovereig[n]ty in regard to the two above mentioned sections of land thus selected.

The indemnity seems to me necessary, in order to make the contemplated Convention acceptable to the Costa-Rican people, who have made up their minds long ago to abandon certain rights to the Nicaraguans on those very important and essential points, contemplated in the Treaty; but are not prepared to yield this comparatively small and insignificant matter. Were I to give my unconditional assent to it, they would be apt to regard the Treaty, no longer, as an act of their own free will, and wise, deliberate moderation; but as a constraint put upon them.

I beg, therefore to propose the sum of $100,000 as an indemnity to be paid by Nicaragua to Costa Rica out of the revenues that the former is to receive from the Company. The payments to be effected in four, five or more yearly instalments, as you may think, proper. This sum will not appear exhorbitant, when it is taken into account that Nicaragua is likely to receive from the Company about $100,000 every year, before the Canal is completed, and that after the completion of said work, that amount will perhaps be increased to millions. One half of those profits, belong, of right to Costa Rica, but will be entirely surrendered by the Treaty. The proposed indemnity would be a consideration, for both the two sections in question, and for the cession of the Delta, comprised between the Northern branch and the Colorado branch of the river San Juan:—a cession not spoken of in the preliminaries of July last; but which I did not hesitate to assent to, with a view to remove all further difficulties.

Having, thus candidly, submitted, my views on this subject and hoping that you will be pleased, to take them at your earliest convenience, into

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *April 14, 1852.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, has the honor of enclosing to the Honble Daniel Webster, Secretary of State of the Government of the American Union, the accompanying despatch of the Minister of Foreign Relations of Nicaragua, in reply to the Credential letter, which was delivered to him by Mr. Kerr, Chargé D'Affaires of the United States, near that Republic.[2]

The Undersigned avails himself of this occasion, to inform the Honble Secretary of State, that, it having been found impossible, unfortunately, to conciliate the public mind, so as to effect the instalment and regulation of the federal Government of Central America, the Government of the Republic of Nicaragua, has again resumed, the management and direction of Foreign Affairs.

The Undersigned deems it to be his duty, therefore, to state to the Honble Daniel Webster, that he is ready to take part in the negotiations which are actually on foot, for settling the bases, and for prosecuting the negotiations, in reference to the Port of San Juan and the Mosquito Coast.

The Undersigned avails himself of this opportunity [etc.].

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Felipe Molina, Costa Rican Minister to the United States, to Daniel Webster, Secretary of State of the United States [3]

WASHINGTON, *April 19, 1852.*

SIR: I had the honor of receiving your letter of the 15th instant,[4] in which you have the goodness to express a regret, that the expectations of my Government, as set down in my note of the 9th,[5] should be so high; and that consequently you will proceed to arrange with Mr. Crampton the points at issue, between the United States and Great Britain, in regard to the Mosquito Shore, and to forward to the Nicaraguan Government a distinct state-

[1] Notes from Central America, vol. 2. Received April 14.

[2] This acknowledgment, of a credential letter, dated, Managua, February 18, 1852, does not properly fall within the scope of this publication, for reasons explained in the general preface, contained in the first volume. Neither would this communication from Marcoleta

ment. And you farther mention the intention of transmitting to me, a copy of the paper that is to be addressed to the Nicaraguan Government, for the information of that of Costa Rica.

In reply, I think it my duty to assure you, that my Government will be prepared to receive with due respect and grateful acknowledgement any suggestions proceeding from such exalted sources.

But at the same time I cannot refrain from lamenting my misfortune in having failed to impress this Government with my own convictions in regard to the extent of the rights of Costa Rica, as no opportunity has been offered for the full and mature discussion of those rights, in which case, I am led to think, that the moderation and self-denial, of the party I represent, would have been better appreciated.

As the matter now stands, I would only venture to suggest, that instead of stipulating a fixed amount of money, a provision might be inserted in the treaty or paper to be drawn, to the effect, that the State of Nicaragua should give to Costa Rica an indemnity, for the two sections of land wanted by the Company, and for the territory comprised between the Colorado branch and the northernmost branch of the river San Juan. This indemnity to be regulated by mutual agreement of the parties concerned, or through the arbitration of one, of the other three Central American Governments, that should be chosen by lot.

This solution of the only difficulty remaining offers the advantage that it would not interfere with the immediate execution of the other arrangements contained in the Treaty.

Requesting again your earnest attention on the subject [etc.].

1197

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *April 21, 1852.*

MR. SECRETARY OF STATE: All hope, for the present, being lost, of reconciling the opinions and harmonising the interests of the three States of Central America, for the establishment of the proposed Confederation, of said States, Nicaragua, one of them, could not view with indifference, the neglect, and the too long protracted suffering which her foreign relations experienced, at the very time when it was necessary to act with the greatest earnestness, and to give an energetic impulse to the pending question.

Thus it is, that without renouncing any ulterior project of Uniting the states under one common form of government, Nicaragua, inspired by an instinctive feeling of self preservation, and despairing of arriving at any definite result, has thought, that she ought to separate and resume, with her independence and sovereignty, the direction and management of her foreign relations and affairs; not without a lively and keen regret at seeing her exertions rendered fruitless for the attainment of an object so natural and patriotic.

In consequence of a legislative decree, Nicaragua, proceeded to receive with the requisite formality, the worthy representatives of the American Union, and of her Catholic Majesty, as well as the Consular Agent of the United States at the Port of San Juan del Sur.

The undersigned, whose Mission remained virtually and practically suspended while he did not possess from the proper authority the powers necessary to continue his mission, has consequently resumed his former Official position, giving by this step, the necessary weight and authority to the powers which were formerly conferred upon him, by the government of Nicaragua.

Thus the Undersigned does not perceive, at present the least difficulty in his taking part in the conferences, or preliminary arrangements respecting the bases, which have to be established, in relation to the Port of San Juan, and of the Mosquito Coast, and he hopes to be invited to them, *claiming, as he does hereby claim*, the right, he has to that effect, inasmuch as the Negotiations concern, directly and immediately, the political, mercantile and territorial interests of his government.

The undersigned, does not lose sight of the difficulties which complicate these negotiations, nor of the opposition which exists among the different interests, that are brought into question in their discussion, nor does he fail to acknowledge the advantage and propriety of determining questions which hold, so to speak, in suspense the settlement of important interests, with very great detriment to all parties.

In the opinion of the Undersigned, the principal difficulty, and, at the same time, the easiest to remove, is the question of boundary between Nicaragua, and Costa Rica. A question purely local, secondary and foreign; one which ought to be treated only between the two Governments interested in it; thus removing one of the principal, perhaps the most serious, obstacle which opposes the course, march and progress of the chief question, which would be of very easy solution without this serious impediment.

But, supposing that said complication exists, and that it exists through the unnecessary choice of some of the parties interested, without reason or justifiable cause, and supposing, also, that every day renders it more neces-

entertains the most fervent wishes for whose happiness and progress, it feels and takes the most lively and profound interest; is of opinion that, without causing more delay, a final understanding should at once be sought; and with this object, he has the honor to propose and submit to the enlightened decision of the Honerable Secretary of State the enclosed projet[1] of an arrange-

[1] Below, is a translation of the enclosed projet:

[TRANSLATION]

WASHINGTON, *April 21, 1852.*

Plan and means proposed by the Legation of Nicaragua for the definitive settlement of the questions respecting the Port of San Juan, Mosquito Coast, and relative to that of the boundaries between Nicaragua and Costa Rica.

PORT OF SAN JUAN AND MOSQUITO COAST. 1. The port of San Juan del Norte shall be returned to Nicaragua, the government of which admits the boundaries lately proposed by the Minister of Her Britannic Majesty to the Mosquito country and coast; namely: in the northern part from Cape Gracias a Dios, following toward the interior the Segovia River to the parallel 84½ of longitude; and thence descending in a straight line on the west until it faces on the south the Cape of Punta Gorda which will be reached by a horizontal line.

2. Nicaragua shall pay the compensation which may be stipulated for the improvements made in the port of San Juan since January 1, 1848. Said compensation shall not be required at one time, but regularly and gradually as shall be permitted by the business of the Government of Nicaragua, which trusts in the sentiments of justice and moderation of the two great powers concerned in order that the said compensation may be reduced to the smallest possible amount, in view of the exceptional position of Nicaragua the loss which it has suffered in its revenues and the domestic disorders which, unfortunately, have taken place there, especially in recent times.

3. Great Britain and Nicaragua shall conclude a Treaty of Peace, Friendship, and Commerce in the same terms as the one discussed between the United States and Nicaragua, except for a few provisions which may be determined, at the discretion of the parties by the special and local circumstances of the two powers.

4. The United States of America and Great Britain shall guarantee the integrity of the territory of Nicaragua, in particular that which is to be occupied by the canal or railway, if the latter should be established, and shall protect the works of these lines of communication, guaranteeing in the same way the neutrality of these important works.

5. The said powers shall also stipulate the number of nautical miles over which said neutrality should extend at the two extremities of the canal or railway.

QUESTION OF BOUNDARIES BETWEEN NICARAGUA AND COSTA RICA. 1. Nicaragua shall cede to Costa Rica in perpetuity the district of Nicoya or Guanacaste.

2. Costa Rica shall waive its claims to the right shore of the river of San Juan, which shall continue to be an integral part of the dominions of Nicaragua.

3. Nicaragua shall guarantee to Costa Rica the absolute liberty and privilege of importation and importation [*Sic.* The Spanish reads "importación y importación;" doubtless should be, "importation and exportation"] in its commerce by the San Juan and Sarapiqui rivers.

4. Nicaragua shall cede to Costa Rica, if the latter government should so request the land necessary for the construction of a highway and the erection of a customs house and customs guard station.

5. Costa Rica shall make a formal renunciation of any sum or amount which it believes it should claim from Nicaragua, whether such sum arises from money advanced or supplies of any kind whatever.

6. Nicaragua and Costa Rica shall conclude a Treaty of Peace, Friendship, and Commerce, in which there shall be stipulated, not only the preceding clauses, but also the free entry, departure, and transit, in the respective territories, of the products of their own soils and of the articles manufactured therein; but articles manufactured abroad and the products of foreign lands shall be subject to the tariffs of both governments in

ment which, on being duly considered, steps may be taken immediately, with a view to lay down the clauses, and to give them a public, legal, and authentic consideration, which shall define and irrevocably fix the destiny of all the states in general, and of each one in particular.

The undersigned is fully convinced, that the Honerable Secretary of State, will find in said projet the most convincing proof of the desire which animates the government of Nicaragua to consult the general good. He believes that said *projet* offers advantages and imposes equal sacrifices upon all parties, and he is persuaded that the means most likely to encompass the end in view, is a mutual agreement to consent to mutual sacrifices. Nicaragua comes the first to submit the proof of this self abnegation; and, if the parties interested pursue the same course, there will be no difficulty in future, in settling the various questions, on whose solution depend the repose of the Country, and the development of common interests.

In the original plan there was imposed almost by violence upon Nicaragua, through the restoration of the port of San Juan, a series of sacrifices most detrimental to its dignity and interests. She was required to give an indemnity to the pretended Mosquito King, whom Nicaragua has never recognised, *nor is disposed* ever to recognise.

She was required, to establish boundaries with, the notorious King of Mosquito in a territory which she has always, claimed as that which formed an integral part of her own dominion, to which she has abundant rights, which rights Spain, a competent judge in this matter, has ultimately confirmed by a public Treaty.

It was imposed upon her, that she should yield to Costa Rica, the district of Nicoya or Guanacaste, on the Pacific Coast, and, on the Atlantic Coast, the right bank of the river San Juan, with the free navigation, for sailing vessels, on the waters of the river, and the contiguous lake; all this with the greatest disregard of the recognised rights, and with well known detriment to the dearest and most vital interests of the government of Nicaragua.

In the original negotiation and on the proposition of Sir. Henry Bulwer, the Minister of Her Britannic Majesty, there was imposed and carried out a complete denial of the question of right, thus depriving Nicaragua of the only safe guard and defence of her own rights, when, contrary to this determination, they admitted then, as they admit now, the rights which are claimed by Costa Rica in order to contribute to the spoliation which was attempted to be imposed on Nicaragua.

It is not then possible to admit now, this contradiction, without incurring the reproach of partiality and of flagrant injustice.

If Costa Rica desires the common good, if she wishes to exhibit fraternal feelings towards Nicaragua, there remains not the least doubt that she will

in her heart; but a selfish feeling, which the present generation and posterity will designate, as that of ambition, accusing Costa Rica with abundant reason of being the favorer, the instigator and promoter of fatal intestine discords, and the only obstacle that lies in the way of the well being of two nations, that have the same origin, like interests and similarity in their religion, language, habits and customs.

In respect to Great Britain, the government of Nicaragua entertains the firm conviction that that power is actuated by the most generous sentiments; sentiments and feelings worthy of her strength, her greatness and her power —and that she will not sully her glory and her National pride, by the recollection of past resentments, nor by humiliating, degrading and ruining a weak state whose only means of defence are no other than the conviction that she possesses in the rights, that she believes belong to her; in the concious rectitude of her motives, the natural desire of her own self preservation and the duty, which devolves upon her, to defend & watch over her most precious and dearest interests.

In respect to the United States of North America, Nicaragua appeals in the last place, to the fraternal feelings which unite both countries, to the homogeneousness of their political institutions, to the mutual sentiments which now reign in the hearts of their sons respectively, founded on the one side, and more closely connected on the other, by the indissoluble bonds of a community of interests and relations.

Nicaragua, then, must trust and hope that so many and such close interests will not cease to have their influence on the minds of those now charged with the duty of directing the destines of this great Republic, and that they will contribute by their powerful support and influence to a reconciliation of the Parties, by causing them to accept the means, which Nicaragua offers as the expedient best adapted to terminate at once differences so serious, of such long standing, and so prejudicial to the interests of all.

Nicaragua comes forward to contribute, on her part, to the common stock, of sacrifices and abnegation and hopes confidently that her conduct will be imitated, chiefly by her sister state of Costa Rica.

Nicaragua trusts likewise in magnanimity of the sentiments and intentions of Her Britannic Majesty and in the sympathy and friendship of the American people.

On the bases contained in the enclosed *projet* the undersigned can proceed to discuss and sign the proper stipulations; being almost able to assure the Honerable Secretary of State, that his Government will not hesitate to sanction them; as he can in the same way assure him that in the New instructions which have been requested, Nicaragua, will not submit to the long cata-

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *May 2, 1852.*

MR. SECRETARY OF STATE: Having seen and read in the Department, on Saturday the first instant, the communications and the bases which were later discussed between the Secretary of State of the American Union, the Minister of Her Britannic Majesty and Mr. Molina, who is Minister from Costarrica, relative to the Port of San Juan, Mosquito Coast, and the boundaries between Nicaragua and Costarrica,[2] and the said affairs having been conducted and discussed without consulting, calling upon or admitting the representative of Nicaragua in Washington to those discussions, that he might take part in certain affairs which affect the interests and rights of his Government so directly, the undersigned would feel that he failed in his duty if he did not protest against that action.

The undersigned, accordingly, hereby protests in due form against the exclusion of the representative of Nicaragua near the Government of the American Union on these matters.

The undersigned avails himself of this opportunity [etc.].

1199

Felipe Molina, Costa Rican Minister to the United States, to William Hunter, Jr., Acting Secretary of State of the United States [3]

WASHINGTON, *May 8, 1852.*

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant,[4] accompanying a copy of the proposition to be addressed to the Governments of Costa Rica and Nicaragua, respectively for the adjustment of their differences in regard to the boundary question between those Republics, as was finally agreed upon and signed by Mr. Webster and Mr. Crampton.[5]

You very appropriately remark that this plan differs from the one in which I was invited but declined to join, inasmuch as it allows the Canal Company to locate *four* instead of *two* only of their eight sections of land on

[1] Notes from Central America, vol. 2. Received May 3.

[2] For the text of the Webster-Crampton agreement of April 30, 1852, see above, this volume, pt. 1, note 4, p. 18.

[3] Notes from Central America, vol. 1. Received May 15.

[4] Above, this volume, pt. 1, doc. 1016.

ceed to enlarge on those considerations which in your opinion might induce the Costa Rican Government to accede to the concession even in this extended form.

In reply I beg to say that I will take the earliest opportunity to transmit the project in question to my Government together with a copy of your letter, that new instructions may be sent to me.

I regret nevertheless to observe, that the proposed adjustment involves a far greater difficulty than even the cession (without any indemnity or restriction of choice) of the lands alluded to; I mean, the perpetual surrender therein stipulated, on the part of Costa Rica, of her right to navigate by steam vessels the Colorado and San Juan rivers and the Lake of Nicaragua. I question very much, whether Costa-Rica will ever be disposed to subscribe to an absolute surrender of that right, although in order to faci[li]tate the construction of the Ship Canal, she has been and is still willing to abandon to Nicaragua the controul and direct advantages of the enterprise for such a period of years as may seem necessary to carry out that undertaking.

I have the honor [etc.].

1200

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACTS]

No. 8 GUATEMALA CITY, *May 16, 1852.*

SIR: On Tuesday, the 27th of April, I reached Guatemala, after a long, though interesting travel of twenty eight days, from Nicaragua, through the mountain ranges of Honduras and Salvador.[2] . . .

The sudden & unexpected recall of Mr Chatfield was the absorbing topic on my arrival here & they do not seem to comprehend the policy of the English government in substituting a Consulship for the grade of Chargé. On the 4th of May Mr Chatfield, with many demonstrations of respect from the leading men in power, took a reluctant leave of Guatemala, and during the week, whilst we were together, there were many opportunities for reciprocating his very friendly & courteous course towards me since my first arrival in the Country. He had secured the personal confidence of the more prominent men in the dominant party, & probably he may at times have wielded an overweening influence. Evidently taken by surprise at the recall, he could, with difficulty, conceal his chagrin, and, yet, it is clear, that,

[1] Despatches, Nicaragua, vol. 1. Received August 3.

[2] This omitted portion describes his journey in detail, and tells of the exchange of the

there is an intense feeling of jealousy & distrust of Guatemala, and it so happens, that it has been heightened into malignancy under the idea of Mr Chatfield's direct & constant interference. However derogatory to their own Countrymen, (not a few of whom are fully his equals in intellect and acquirements,) it served to set the restless politicians of San Salvador on a false scent, and rendered the natural growth of healthy sentiment, slow and precarious. In view of the actual state of things I have used every effort to reconcile people and politicians, each to the other, in every place along my route from Leon, and the accidental popularity, that my course of conduct, in Nicaragua, has gained for me, throughout all the States, may be turned to some account.

They had conjured up a phantom out of sheer dread of North American power and the miserable attempt against the Island of Cuba made it loom the more. This my frank mode of proceeding has, in a great measure, dissipated, and I trust, that nothing may occur, in the course of my duty, to weaken the hold, which I seem to have upon the general confidence. Just now my position is a good one. Another and a more favorable opportunity may be had, on my arrival, four weeks hence, in Leon, for a further account of all, I have seen and heard, which might have a political bearing, and thus be worthy of noting down for your information.[1] . . .

There has been no reunion of the members of the new Constituent Assembly at Teguzigalpa, in Honduras, which proposes to give the project of a Central government for the three States, & I feel very sure, that few only of the leading men, in Salvador & Nicaragua, have any hearty purpose to forward the movement. I will hear more about it, during my stay, next week, in the City of San Salvador, and give you the results in an early despatch.

The Copy of the decree of the Nicaraguan Government, recognizing me officially was one of the documents attached to my No. 7 [2] and at my last advices from Leon, under date of the 25th Ultº, yesterday's mail, there was quiet in that State.

I have little hope that this will reach you at Washington, as I can hear of no person at Belize, through whom it may be forwarded.

I am Sir [etc.].

[1] This omission deals with conditions in Guatemala and Salvador.

[2] The decree is not included in this publication, but the despatch will be found above, this part, March 15, 1852, doc. 1192.

Robert M. Walsh, Special Agent of the United States to Costa Rica, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACTS]

No. 1 GREYTOWN, *May 28, 1852.*

SIR: We arrived here in the Saranac the 25th, and will proceed to San José as soon as we can. . . .

The flag of the Musquito King is still flying here, but that is the only evidence of his sovereignty. The control of the town is in the hands of the foreign residents, principally Americans, who recently elaborated a Constitution for themselves and elected a complete set of authorities. The natives were allowed to vote, and two or three of them obtained majorities for certain offices, but on some pretext of illegality their election was annulled. Upon what ground that illegality was established was not made clear to the apprehension of the natives who, in consequence, were with difficulty restrained from expressing their dissatisfaction in a belligerent manner. The practical interpretation would seem to be that the fact of being born here is a disqualification for being elected if not for electing, and that only those who do not labor under this disadvantage are entitled to all the privileges of citizenship. The Mayor is an American named Martin, who appears to possess a kind of energy and talent well adapted to his anomalous and difficult position—a position in which Justice, while wielding her sword with one hand, is obliged to point a revolver with the other. . . .

The object of the foreigners here is avowedly to establish a free port with as much circumjacent territory as possible; and they loudly proclaim that they will never submit to the rule of any native Power. To Nicaragua they bear especial hate, which may prove a source of trouble in the execution of the treaty, should it be concluded. It is almost certain that without some such aid as the treaty would afford, that country will never be able to obtain possession of the town, for there can be little doubt of the ability of its inhabitants to repel any attack. Indeed, if the stories told of the weakness and degradation of the Nicaraguans be true, one may easily credit the assertion of the "Greytowners" that they can take the whole Republic whenever they please. A step towards this result, may, perhaps, be the appropriation of the district marked out by the article of the Constitution, alluded to above. Coming events cast their shadows too plainly in this quarter, to need a prophet's eye to discern them.

I have the honor [etc.].

[1] Special Agents, vol. 18. Received June 22.
The two omitted portions of this despatch deal with matters not pertinent to the present publication.

1202

Robert M. Walsh and Charles L. Wyke, Commissioners respectively of the United States and Great Britain to Costa Rica, to Joaquín Bernardo Calvo, Minister of Foreign Affairs of Costa Rica [1]

SAN JOSÉ, COSTA RICA, *June 10, 1852.*

The Undersigned, Commissioners of the United States and Great Britain, have the honor to enclose to His Excellency, the Minister of Foreign Relations, a copy of the propositions which they are directed by their Governments to offer for the adjustment of the difficulties in regard to limits between the Republics of Costa Rica and Nicaragua.[2] It was after full investigation and mature deliberation that the two Governments determined upon these propositions as most conducive to the ends of justice and the interests of the contending parties; and they cherish the confident hope that they will be promptly and willingly accepted.

The advantages to Costa Rica which will accrue from their acceptance, are various and all important. She will be relieved, in the first place, from that state of harassing agitation which the perpetual danger of foreign hostilities must keep up, and which is so baleful in its influence upon the industry and progress of a people. Men care not to work for the future when that future is clouded over with uncertainty and apprehension. To remove an evil of such magnitude great sacrifices may well be authorized; and were no other inducement presented, this alone would be sufficiently strong to call for a ready acquiescence in any arrangement which secures the blessings of tranquility without the loss of honor.

But Costa Rica, in the next place, is not asked to make any concessions for which adequate compensation is not tendered. If she abandons some of her pretensions on the Atlantic, she establishes all of her pretensions on the Pacific. If she yields the barren delta of the Colorado, she gains the fertile district of Guanacaste. Even on the Atlantic side, also, she obtains the acknowledgment of an important right which she has not hitherto been able to enjoy—that of having the river San Juan for her boundary, and navigating it with all descriptions of vessels which do not interfère with the indispensable privileges of the Company that has been formed for the construction of the interoceanic canal.

Again—a cheerful compliance with the proposals of the two Governments, will have the effect of awakening in them sentiments of kindness towards this country, which cannot fail to be attended with great and increasing benefit.

ing—which the comparative seclusion in which the [illegible]
o be exchanged for that intercourse with the world which it is the interest
the duty of every Government to promote, as one of the chief guardians
civilization and the firmest bond of brotherhood among men. Of the
ndly ties which will thus be formed, the most important, certainly, must
those which will connect her with Great Britain and the United States—
ntries whose position and influence point them out as allies from whose
d offices the most useful aid may be derived.

The advantage that will result to Costa Rica from the construction of the
al, should also be taken into account. To overestimate it, indeed, would
difficult. The door will be at once opened to the beneficial intercourse
ded to above, and the whole of this beautiful region will soon be brought
er the fertilizing flow of a healthy emigration. The geographical position
Costa Rica is admirable—its moral position will be commensurately
ed. Abounding in all the elements of national prosperity, what it needs
population adequate to their full development. Such a population will
a certain consequence of the opening of the proposed route—not mere
enturers seeking immediate gain at whatever detriment to others or
ard to themselves; but permanent, effective laborers in the great field of
rovement.

nother and a final motive which may be adduced, is one that must appeal
powerfully to a Government actuated by such feelings and aspirations as
trol the Government of this Republic, to require much stress. The
gnificent enterprise in contemplation is not designed for the exclusive
efit of those directly concerned in it, but for the benefit of mankind. The
vernments that have taken it under their especial care, are not prompted
narrow and selfish views. Their aim is the accomplishment of a work
ch will be productive of universal good. The glory to be earned by those
may contribute to it will be of a kind, that while the page of history can
dly exhibit any more enviable or exalted—the glory of having created,
only a fresh and abounding channel of material wealth, but another and
t efficient means of diffusing peace and good will. Such an opportunity
nrolling her name among the benefactors of the human family is not often
orded to a nation; and it is one which the Undersigned cannot doubt will
eagerly seized by the enlightened men who preside over the destinies of
ta Rica.

he Undersigned [etc.].

1203

Robert M. Walsh, Special Agent of the United States to Costa Rica, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACT]

No. 2 SAN JOSÉ, COSTA RICA, *June 11, 1852.*

SIR: We left Greytown on the 31st ult. and got here the 8th inst., after a journey of which it would be difficult to describe the fatigue and the risks.[2] . . .

When within a few miles of this City we were met by an aide-de-camp of the President, with a note from him congratulating us on our arrival, & placing a house at our service, to which we were immediately conducted. It is among the best in the town, belonging to one of the principal families, who moved from it expressly for our accommodation—an act of hospitality & kindness well deserving of record. There is evidently a disposition to manifest all possible friendliness both public & private, the mission being regarded not only as a compliment, but as something from which good may accrue to the Country.

We have had interviews with the President & Minister of Foreign Relations, and have sent to the latter a copy of the proposed arrangement, with the alterations directed to be made in it by the despatch of 13th May from the Acting Secretary of State.[3] There are good grounds, I think, for expecting a prompt acquiescence in the views of the two Governments.

I have the honor [etc.].

1204

Joaquín Bernardo Calvo, Minister of Foreign Affairs of Costa Rica, to Messrs. Walsh and Wyke, Commissioners respectively of the United States and Great Britain to Costa Rica [4]

[TRANSLATION]

SAN JOSÉ, COSTA RICA, *June 11, 1852.*

SIRS: The undersigned had the honor to receive, with the communication of the 10th instant,[5] a copy of the propositions of the Governments of the United States and Great Britain for a final adjustment of the difficulties in regard to boundaries between Costa Rica and Nicaragua;[6] and it is a source of satisfaction to him to be able to assure Messrs. Walsh and Wyke that the President of the Republic regards this mission with the highest ap-

ement on this important matter, has to that end commissioned the ersigned and His Excellency the Minister of the Treasury.

agreeable to Messrs. Walsh and Wyke, the said conferences will begin ne o'clock in the afternoon, Tuesday, the 15th of the present month, at residence of the commissioners of the United States and Great Britain.

1205

Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACTS]

9 LEÓN, *June 14, 1852.*

R: On the 16th of May I had the honor to inform you from the City of temala,[2] that the exchange of the ratifications of the treaty between the ed States and the Republic of Guatemala had taken place on Thursday, 3th Ultº, a few days previously. I left Guatemala on my return to Leon ne morning of the 17th Ultº. The documents accompanying this No. 8, of 6th of May, forwarded by way of Belize, Honduras, will have explained auses of the delay in the exchange of the ratifications with San Salvador, n I, first, was passing along through the Capital. The authenticated of the treaty, placed two years before in the hands of Mr Edward ache, in view of the exchange at Washington by him, was not received an Salvador, till I had again arrived there, and I was thus detained ten longer to give the government full time for making out a correct copy ne form.

esterday evening I had the good fortune to reach Leon, with both treaties, ay of Tigre Island, some days sooner than I had anticipated. . . .

ne publication of these papers, so soon as the sanction of the Senate can ad, may be the means of averting from these people troubles, that seem e imminent, and I am anxious, therefore, to have them in your s. . . .

nave the honor to remain [etc.].

espatches, Nicaragua, vol. 1. Received July 20.

e two omitted portions discuss matters not pertinent to this publication.

bove, this part, doc. 1200. That portion relating to the exchange of the ratifications treaty was omitted.

1206

Joaquín Bernardo Calvo, Minister of Foreign Affairs of Costa Rica, to Messrs. Walsh and Wyke, Commissioners respectively of the United States and of Great Britain to Costa Rica[1]

[TRANSLATION]

SAN JOSÉ, COSTA RICA, *June 16, 1852.*

SIRS; The bases agreed upon by the Governments of Great Britain and the United States for a final settlement of the question of territorial limits between Costa Rica and Nicaragua and other matters of interest, having been taken into consideration, His Excellency the President of the Republic has on this date been good enough to dictate the following resolution.

Having seen and examined the convention signed at Washington, the 30th of April[2] of the present year, by Representatives of the Governments of Great Britain and the United States, the object of which convention being to propose the bases for an arrangement between the Republic of Costa Rica and the State of Nicaragua on the question of territorial limits, the said bases defining at the same time other points relative to the Mosquito territory and the Atlantic-Pacific interoceanic Canal; some conferences having been held between the Ministers of State of this Government and Messrs. R. M. Walsh, Special Envoy of the Government of the United States, and C. L. Wyke, Consul General of Her Britannic Majesty; and considering: that although one of the boundaries to the north of the territory of the Republic has been and is, by the Constitution and by various authentic documents existing, the mouth of the San Juan River on the Atlantic Ocean; and notwithstanding that the Republic was not considered at the time of concluding the contracts agreed upon for the great work of the interoceanic Canal across the Isthmus, nor is the independence of Costa Rica directly affected by questions with the Mosquitos;—in consideration of the respectable mediation of the Governments of the Maritime Powers of Great Britain and the United States of North America, of the great interest of all commercial nations of Europe and America in the construction of the interoceanic canal, and of the desire to terminate pacifically and amicably with our neighbour, the State of Nicaragua, the unsettled territorial questions, the Executive Power of the Republic of Costa Rica in Central America, assents, adheres and subscribes to the bases agreed upon in Washington the 30th of April last, and contained in seven articles presented to this Government by Messrs. Robert M. Walsh, Envoy of the United States, and Charles L. Wyke, Consul General of Her Britannic Majesty, especially authorized to that end, and when opportunity affords, the Republic will concur in the framing of the definitive treaty

which is to be celebrated on said bases: Let this resolution be communicated to the Most Excellent Legislative Power, in order that it may approve it if it deems expedient, and let notice be given to Messrs. Walsh and Wyke for their information.

And in transmitting the above resolution to Messrs. Walsh and Wyke, the undersigned has been instructed to state: that it would be desirable that the final treaties should not be so insistent upon the sacrifice of Costa Rica in the designation of its territorial boundaries, by taking in the North the Colorado River in place of the northern branch of the San Juan, since the Republic has maintained and possessed from time immemorial the indisputable right to the said San Juan River up to where it empties into the Atlantic, the boundary on the North of the same Republic determined by the constitution and recognized by Spain, the Holy See and other Powers with whom treaties exist: that it would likewise be desirable that the Company in charge of the interoceanic Canal should not be granted the right to demand any section of ground on the territory of Costa Rica, inasmuch as neither the Government of Nicaragua nor the said Company have asked the Government of the Republic to concur in the contracts relative to the Canal enterprise, but rather have treated it with contempt, actually disposing of territory under its jurisdiction, or which at least was open to question; but which it possessed in good faith and with just title; but if it should be insisted that that right be accorded the Canal Company in the territory of Costa Rica, then it is to be hoped that each section may not exceed three miles square, or, the equivalent, one league in length and another in width, the Republic reserving to itself eminent domain and the exercise of its sovereignty over any company or colony which may be established in each one of said sections of land: that in like manner it would be desirable, if circumstances beyond our control should require the granting in effect to the Company of the right to occupy other sections in the territory of Costa Rica in place of taking them in that of Nicaragua, that this Government be not bound to any subsequent settlement with the Government of that State, but that the Company should negotiate with it the indemnity due to Costa Rica, the agreement which may be celebrated in regard thereto being reached in advance; that it would be equally desirable to include in the treaty the principle that in no case may differential export duties be established in San Juan for any State, nor greater than those received from the most favored nation, whatever may be its right in the Port, and whatever the fruits and articles exported; and finally, that it would in the same manner be desirable that the fulfillment of

sideration upon their respective Governments; in whose sense of justice the authorities and people of this Republic have the utmost confidence.

The undersigned [etc.].

1207

Robert M. Walsh and Charles L. Wyke, Commissioners respectively, of the United States and of Great Britain to Costa Rica, to Joaquín Bernardo Calvo, Minister of Foreign Affairs of Costa Rica [1]

SAN JOSÉ, COSTA RICA, *June 17, 1852.*

The Undersigned have the honor to acknowledge the receipt of the note of His Excy the Minister of Foreign Relations, dated yesterday, communicating to them the resolution of the President of the Republic, by which he consents to the propositions made by their Govts for the adjustment of boundaries between Costa Rica and Nicaragua,[2] and which, he informs them, will be submitted to the Legislative Body for approval.

It is with sincere gratification that the Undersigned have learnt this decision of the President, so worthy of this eminent character; and they doubt not that the wisdom & patriotism of the Legislature will sanction it without delay.

The remarks added by the Minister respecting the changes which the Govt of Costa Rica would wish to have made in the definitive treaty to be celebrated at Washington, will be conveyed to the two Govts at the earliest moment, and cannot fail to receive a respectful & friendly consideration.

1208

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Francisco Castellón, Minister of Foreign Affairs of Nicaragua [3]

LEÓN, NICARAGUA, *June 23, 1852.*

SIR: The commercial advantages in the construction of an inter-Oceanic Canal over this Isthmus, so long an object of interest to the world, have given occasion to renewed efforts on the part of the Governments of the United States of America and Great Britain, which the accompanying paper [4] will better explain in full detail.

[1] Special Agents, vol. 18, enclosed with Walsh to the Secretary of State, No. 6, below.

So long as the boundary question between Nicaragua and Costa Rica re-
ins in litigation (liable, after years of fruitless negotiations, to the final
itrament of the sword) it is not to be expected that prudent capitalists
l be ready to advance the necessary millions for the commencement and
secution of such a work. The claim of Costa Rica in regard to a full and
ire participation in steam power on the Lake and River, has been met in
ay to leave exclusive control over these waters with Nicaragua, and the
sion of Guanacaste, as advised and recommended, would seem only to be
xact accordance with the will and wishes of the inhabitants of the district,
equivocally expressed during recent years. In truth its possession, with
much of luke warmness, among the actual residents, would render it a
leus for disaffection in Nicaragua, and, even as a free gift, worthy of
ction. Besides, under the recent report of Col^n Childs, the accomplished
ineer in the service of the Atlantic & Pacific Ship Canal Company,
nas Bay has ceased to be of importance, as the possible terminus of The
al. The most eligible spot has been designated by him at a port always
hin the acknowledged limits of Nicaragua.

The position taken by the English Government in the forcible Expulsion
Nicaragua authority at San Juan must be presumed to have been satis-
ory to that Power, and hence in any arrangement the alleged rights of the
squito Indians would naturally have a prominent place. In allowing a
tion of territory to these native tribes, within which they may, without
estation, pursue their nomadic life, the Government of Nicaragua is not
ed to any course, inconsistent with National honor & dignity. It is
isely thus, that the United States' Government has dealt with a similar
within it's limits.

abstain from going more at large into these questions, so long a barrier
eace and progress in Central America, as I am fortunate in now signify-
to the government of Nicaragua this evidence of good will through the
ium of a gentleman of enlarged views and practical experience from
m an attentive and liberal consideration may be anticipated. The Legis-
re and Executive have now in their own hands the extinguishment of all
es of external discord, and with prudence and moderation the Nicaraguan
may soon wave at the mouth of the San Juan in token of possession and
reignty. The completion of the Canal under the auspices of Nicaragua
eventually outweigh, a hundred fold, the equivalents proposed in this
mmendatory paper, which I have now the honor to enclose.

he decision of Costa Rica may be looked for in a few days and I would

before its adjournment to the next session. Mr Walsh is ordered to return to Washington immediately.

I propose to be in Managua in a day or two, when we may confer in perfect frankness together & in the mean while I beg, that you will accept the assurances with which I have the honor to be [etc.].

1209

Joaquín Bernardo Calvo, Minister of Foreign Affairs of Costa Rica, to Robert M. Walsh, Special Agent of the United States to Costa Rica [1]

[TRANSLATION]

SAN JOSÉ, COSTA RICA, *June 24, 1852.*

SIR: It is a great honor and satisfaction to the undersigned to be able to put into the hands of Mr. Walsh an authentic copy of the Decree which the President of the Republic, with the full authorization of the National Representation, was pleased to issue on the 23d instant,[2] confirming and ratifying the assent and adhesion of Costa Rica to the Bases signed at Washington

[1] Despatches, Nicaragua, vol. 1, apparently enclosed with Kerr to the Secretary of State, No. 10, below, this part, doc. 1215.
The file copy of this document bears the date June 25 and the following document June 24; but it is clear from the context of the latter that it was written after the receipt of the former. Probably, in arranging the copies of the documents for forwarding to the Department, the dates were, inadvertently, interchanged. On that assumption, the editor has ventured to assign the date of each to the other, preserving this record of the dates borne by the file copies. This document and its enclosure, it will be observed, are filed in the volume containing despatches from the legation in Nicaragua, instead of in Special Agents, vol. 18, where the other is filed, and where Walsh's other related papers are, too.

[2] The text of this decree, of June 23, 1852, follows:

[TRANSLATION]

. . .

The Most Excellent Constitutional Congress of the Republic of Costa Rica,

In presence of the Bases agreed upon in Washington by the Chargés of the two great Powers of Great Britain and the United States of the North on the question of territorial boundaries pending between the State of Nicaragua and the Republic of Costa Rica, and in view of the approval which the Supreme Executive Power has accorded them,

DECREES

SOLE ARTICLE. The assent, adhesion and subscription accorded by the Supreme Government of the Republic under resolution of the 16th of the present month, to the Bases agreed upon in Washington the 30th of April last, by the Representatives of the Governments of Great Britain and the United States, for an accommodation between the Republic of Costa Rica and the State of Nicaragua on the question of territorial boundaries pending between the two countries, is approved.

TO THE EXECUTIVE POWER

Given in the Palace of the Supreme Powers in San José, the twenty-second day of the

pending between this Republic and that of Nicaragua,[1] and remove difficulties which might prevent the prompt projected construction of the interoceanic Canal.

The Government, persuaded of the strict necessity and advantage of preserving unchanged the fraternal relations happily existing between Costa Rica and Nicaragua, and of removing every motive for discord which might affect the two countries, has considered the matter with the greatest interest and has accorded it the preeminence which its importance demands, subscribing after mature deliberation to the Bases indicated, in testimony of its decision in behalf of the principle of universal peace, the preserver of societies.

It is not this alone that has moved the Government to accept the bases referred to. It is the desire to contribute on its part to the good of human kind, it is the hope that it will positively improve the condition of Costa Rica and of Nicaragua, the great work of the interoceanic canal being carried to completion, it is the supreme confidence that it has in the Governments of the foremost maritime Powers of Europe and of America, who are so much interested in the future of these regions; and, finally, it is the sincere appreciation with which it regards the noble mediation of the same Governments in matters which would perhaps in time present grave consequences to the order and security of brother and neighboring peoples. The Government is therefore very glad that an opportunity such as the present should have afforded the means of harmonizing its views with those of the United States and Great Britain in the important negotiation in which they have been

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Wherefore: let it be executed. National Palace, San José, June the twenty-third, one thousand eight hundred and fifty-two. JUAN RAFAEL MORA. Minister of State in the Department of Government—JOAQUÍN BERNARDO CALVO.

Wherefore, I have seen fit to approve, confirm and ratify, as by these presents I do approve, confirm and ratify, the said Bases, consisting of seven articles signed in Washington the 30th of April of the present year, by Mr. Daniel Webster, Secretary of State of the United States, and Mr. John F. Crampton, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, the resolution of this Government of the 16th of the current month being likewise approved, confirmed and ratified by these presents; and in virtue thereof, will be observed and fulfilled in the Republic of Costa Rica all that concerns it with respect to the said Bases and the resolution referred to.

In faith whereof, I have caused these presents to be executed in triplicate, signed by my hand, sealed with the great seal of the Republic, and countersigned by the Secretary of State in the Ministry of Foreign Affairs at San José, the twenty-third day of the month of June one thousand eight hundred and fifty-two.

JUAN R. MORA.

(Seal)

Minister of State in the
Department of Foreign Affairs,
Jq. Bernd.o Calvo.

[1] For the text of the Webster-Crampton agreement of April 30, 1852, see above, this

1210

Robert M. Walsh and Charles L. Wyke, Commissioners respectively of the United States and Great Britain to Costa Rica, to Joaquín Bernardo Calvo, Minister of Foreign Affairs of Costa Rica[1]

SAN JOSÉ, COSTA RICA, *June 25, 1852.*

The Undersigned have had the honor to receive the Decree of the Legislative Body confirming the consent of His Excy the President to the propositions made by their Governments, together with the note of His Excy the Minister of Foreign Affairs. They beg leave to express their high sense of the excellent feeling and judgment displayed by the Government of Costa Rica in the important business which has been so happily arranged. Its whole action in the matter will be duly appreciated by their Governments and must tend to strengthen the friendly sentiments which they cherish towards this well regulated and prosperous Republic.

The Undersigned would avail themselves of this occasion to tender their warmest thanks for the kindness and distinction with which they have been treated since their arrival in the Country. It is their intention to leave tomorrow for Punta Arenas, there to embark for San Juan del Sur. Wherever they go they will carry with them a grateful impression of their residence in Costa Rica, and the sincerest desire for the welfare of its Government and people.

The Undersigned [etc.].

1211

Robert M. Walsh, Special Agent of the United States to Costa Rica, to Daniel Webster, Secretary of State of the United States[2]

No. 3 SAN JOSÉ, COSTA RICA, *June 25, 1852.*

SIR: Enclosed are copies of correspondence with the Minister of Foreign Relations,[3] and a decree of the Legislative Body approved by the President, from which you will perceive that the Govt of Costa Rica has given its full

[1] Special Agents, vol. 18, enclosed with Walsh to the Secretary of State, No. 3, June 25, 1852, below, this part, doc. 1211.

See comments in note 1, p. 288, regarding the dates of this document and of the preceding one.

[2] Special Agents, vol. 18. Received July 17.

[3] Above, this part, bearing dates between June 10, 1852 and the date of this document, docs. 1202, 1204, 1206, and 1207.

consent to the proposed treaty.[1] The modifications suggested in the last note of the Minister, are mere requests in no way affecting that consent. They were discussed in our conferences, but we could only promise to communicate them to our Govt.s with a recommendation of them to their kindly consideration. This Gov.t seems to be animated in all respects with the very best spirit, on which too much praise can scarcely be bestowed.

We shall proceed to Nicaragua without delay. If not unexpectedly detained there, I may be able to return to Washington by the end of next month, taking with me the originals of the documents above mentioned.

I have the honor [etc.].

1212

Felipe Molina, Costa Rican Minister to the United States, to Daniel Webster, Secretary of State of the United States [2]

WASHINGTON, *July 1, 1852.*

SIR: I have had the honor to receive your letter of this same date,[3] stating that the President has seen this morning in one of the public journals, what is said to be a proposition jointly signed by Mr. Crampton and the Honorable Secretary of State, for the adjustment and determination of certain contested claims to territory, between Nicaragua, Costa-Rica and the Mosquito Indians, which unauthorized and highly improper publication has caused the President much surprise, and you have been directed to inquire into its origin—and ascertain it, if possible.

In consequence of this incident, and without intending to cast any imputation on my honor and character, you have considered it your duty to afford me an opportunity, that I might disclaim all agency or participation in that publication, informing me that should it turn out, that the statement has appeared in consequence of any communication made by an officer of this Government, the President will feel it his duty to apply the proper punishment to the offence, and that similar letters to the one I am answering, were to be addressed to Mr. Crampton and to Mr. Marcoleta.

In reply, I hasten to say that I have to day heard of the above mentioned publication, with no less surprise than President Fillmore, and that I gladly avail myself of the opportunity you have the kindness to offer me, in order to disclaim, as I, now, do disclaim, in the most emphatic manner, all agency or participation, either direct or indirect in the publication in question.

[1] For the text of the Webster-Crampton agreement of April 30, 1852, see above, this volume, pt. I, note 1, p. 18, and for the decree, see above, this part, note 3, p. 288.

declare, that I have no knowledge, nor means of knowledge of the way in which the subject became known to those by whose agency or permission it has been made public; and I wish that it should be distinctly understood, that I have made no communication of the propositions or any part of them, to any other person than the Ministers of England and of Nicaragua; except to my own Government. Nor have I been deficient in the necessary precautions with regard to the custody of those propositions.

I anxiously hope that the measures adopted by the Department, may lead to the explanation of the mistery hanging over this unpleasant occurrence, for the satisfaction of the Government of the United States and of all the other Governments concerned.

I have the honor [etc.].

1213

José de Marcoleta, Nicaraguan Minister to the United States, to Daniel Webster, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *July 3, 1852.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, received, the night before last, the note which the Honble Secretary of State, did him the honor of addressing him, on the 1st instant,[2] stating, that the President of the United States, had seen with surprise, the publication recently made, in a newspaper, relative to the adjustment of the questions, between Nicaragua and Costa Rica, and in regard to the territory and Coast of Mosquitos. The Honorable Secretary of State adds, that he has received superior instructions to ascertain, if possible, the origin of such abuse; and with this view, he calls upon the Ministers of Great Britain, Nicaragua, and Costa Rica, to state whether they have had any thing to do with said publication, or if they have revealed any or all the circumstances connected with the fact, in question, and finally, whether they have any clew or indication, which could, lead them to suspect the origin and source of the act, which it is sought to inquire into.

The Undersigned being desirous to satisfy the natural wishes which the Honorable Secretary of State has expressed, in the aforesaid note of the 1st instant, and declining at the same time, all kinds of responsibility in the matter, hastens to state, that he has not had, nor has not, the least or the most trifling part, in this or any other similar publication; that he has neither

[1] Notes from Central America, vol. 2.

has neither solicited nor induced any one to take such a step; that he has neither seen nor read the article alluded to, and finally, that so far from encouraging such a controversy, he has loudly disapproved and decried it, in the presence of persons, in whom, the Honorable Secretary of State, places just confidence.

Hoping to have satisfied, as far as it is possible, the inquiries contained in the note, of the Honble Secretary of State, the undersigned avails himself of this opportunity [etc.].

1214

Francisco Castellón, Minister of Foreign Affairs of Nicaragua, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [1]

[TRANSLATION]

MANAGUA, *July 20, 1852.*

HONORABLE SIR: Conformably with my promise made to Y. Ex^cy in my Despatch of 26th of June last,[2] my Gov^t has examined the Stipulations agreed upon between His Ex^cy the Sec^ry of State of the U. States and His Ex^cy the Envoy Minister Plenopotentiary of Great Britain in Washington on the 30th of April of this present year for the settlement of the territorial questions between Nicaragua, Costa Rica and Mosquito.[3]

My Gov^t comprehending the importance and consequence of this business —and not finding itself invested with the requisite power to resolve within itself the important questions involved in the aforesaid Stipulations—has found itself under obligations to transmit it to the Legislative Chambers for such action as might be judged proper. The Chambers having thereupon the subject under consideration—and inspired not only by the confidence which they have in the justice of the cause of Nicaragua—whose rights they believe to be greatly affected but also in the enlightenment and moderation of the principles of the Gov^ts of Great Britain and the United States and of the guarantees granted by International Law in favor of all States, thought proper to refuse their acceptance of the aforesaid Stipulations; at the same time [indicating] in the name of Nicaragua a disposition to submit to an impartial Arbitration of the questions in dispute referred to in said Stipulations as Your Ex^cy will perceive in the Decree an authenticated copy of which accompanies this.[4]

[1] Despatches, Nicaragua, vol. 1, apparently enclosed with Kerr to the Secretary of State, No. 10, July 28, 1852, below, this part, doc. 1215.

[2] Not included in this publication.

[3] For the text of the Webster-Crampton agreement of April 30, 1852, see above, this volume, pt. 1, note 4, p. 18.

manifest to Y. Ex^cy that with all deference for the Gov^ts referred to above the Amer^n Union and Great Britain as far as reconcileable with the honor and dignity of the State—finds itself in the painful situation of not being able to accede to the proposed Stipulations; at the same time it has a high appreciation of the friendly offices and sentiments which Y. E^cy has expressed in their name in communicating the reflexions with the character of recommendations for the consideration of the Gov^ts of Nicaragua and Costa Rica.

Your Ex^cy will see in this declaration—that altho my Gov^t does not accede to the articles of agreem^t submitted to it; it evinces itself nevertheless no less disposed to cultivate with the Gov^ts of the U. S. & G. Britain relations of Friendship and good correspondence now happily existing and which tend to peace and the general good. God grant that a similar disposition may be preserved by the two Governments aforesaid; and that duly appreciating the sentiments of that of Nicaragua they may be willing to interpose their friendly interference in order that the reasonable proposition for an impartial arbitration suggested by Nicaragua may be adopted by Costa Rica and Great Britain so that the territorial questions now under consideration may be harmoniously terminated.

As to the stipulation between Great Britain and the U. S. relating to the affairs of the Atlantic and Pacific Canal Company and accessory to the Transit—and contained in Art^s 4th, 5th, 6th & 7th of aforementioned Stipulations, my Gov^t protests that it will not agree (as it has not agreed) to any regulation which shall in any manner alter the conditions of the primitive contract of the 22nd Sep^t 1849—the modifications of 11th April 1850 and of the agreement of 19th Aug. 1851, which shall in all cases be the invariable rules for its con-

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No. 32

THE DIRECTOR OF THE STATE TO ITS INHABITANTS

In as much as The Legislative Assembly has decreed as follows: The Senate and Chamber of Representatives of the State of Nicaragua in Assembly constituted.

DECREE

Art. 1. The State of Nicaragua does not accept the Projet of Agreement or recommendatory bases adjusted on 30th of April last between his Ex^cy Danl Webster Sec^ry of State of the U. States and his Ex^cy John F. Crampton Envoy Extra^y & Minister Plenipotentiary of H. B. M. in Washington for the regulation of the territorial boundaries of Nicaragua & Costa Rica and for the separation of the Mosquito Coast.

Art. 2. The State of Nicaragua is disposed to an examination (*ventilar*) of the questions referred to in said bases by an impartial arbitrament.

Art. 3. The State of Nicaragua solemnly protests ag^st all foreign interference in matters of her administration, and ag^st the use of force to restrain her will and rights—Done in the Saloon of Session of the Chamber of Representatives—Managua July 14—1852 Augustin Aviles R. Pres^t: J. Joaquin Cuadra R. Sec^ry J. Mar^o Bolaños R. S:—

To the Executive—Hall of Senate—Santiago de Managua July 16—1852—Miguel R. Morales S. P. J. Guerra S. S. Jose de Jesus Robleto S. S.

Therefore let it be complied with. Managua July 19—1852 J. Laureano Pineda—

To Minister of Foreign Relations & Government—

True Copy—

duct. That it will none the less refuse to accept any other arrangem^t which shall directly or indirectly jeopard the rights of Nicaragua either on its coasts—Ports—rivers or Lakes or even in the Canal—and its dependencies or in any point of its territory whose integrity may be desireable to preserve —notwithstanding that the said regulations should have been agreed upon by the aforesaid Gov^ts of the U. States and Great Britain or with any other Power unless there should be present on the part of this State a Minister Plenipotentiary and he concurring thereto and not even then untill the agreem^t of said Minister has been previously ratified by the Legislative power.

With the foregoing—which I hope you Ex^cy will make known to your Gov^t as I now request of you, I have by order of My Gov^t replied to your highly esteemed communications dated on the 23rd of June last and of 13th of present month[1]—I have the honor [etc.].

1215

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [2]

[EXTRACTS]

No. 10 MANAGUA, *July 28, 1852.*

SIR: Having arrived at Leon on the 13th ult^o, I took occasion to forward to the Department immediately afterwards by the hands of Mr. Heine, a responsible person, the copies of the treaties with Guatemala & San Salvador. I could have no guarantee of safety for these public papers, except through a special messenger, and after guarding them, in person, along the whole route, it would have been extremely vexatious to have lost them by any negligence in others, casually in charge. Your No^s 11, 12 & 13,[3] with accompanying papers, have been received, & my last communication, with the treaties, must now be in Washington.

The letter of Mr R. M. Walsh of the 27th of May,[4] with a copy of the proposed adjustment of all boundary & territorial difficulties in Nicaragua,

[1] For the note of June 23, 1852, see above, this part, doc. 1208. The one of July 13 is not included in this publication.

[2] Despatches, Nicaragua, vol. 1. Received August 17.

[3] Above, this volume, pt. 1, docs. 1013, 1015, and 1017, dated respectively, April 30, May 4, and May 13, 1852.

[4] Below is Walsh's letter, here referred to, followed by a related one of a month and a day later, also apparently enclosed with this despatch of July 28, 1852, from Kerr:

Robert M. Walsh, United States Special Agent to Costa Rica, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua

GREYTOWN, *May 27, 1852.*

SIR: I have the honor to forward to you a package from the Dep^t of State, which, I

reached me on the 21st ult°, & you will perceive in my letter of the 23d,[2] how promptly I took the matter in hand. The papers were transmitted to Mr Castellon at Managua & I followed in a few days; expecting that Messrs Walsh & Wycke [Wyke?] might even then be on their way from Costa Rica. It is a long & tedious route, and within a few days only they have reached Nicaragua. Mr Walsh, overcome by his fatigue probably, has declined to visit Managua, intending to wait for my despatch at Granada, & Mr. Wycke, by way of Realejo, came on here two days ago.

A speedy settlement of the Guanacaste question, desirable on so many accounts, had always been kept in view by me, & in my conversations with the more prominent men of the Country I had never failed to point to existing difficulties, as barriers not only to private enterprise, but to the general good of both States. You may imagine, however, with what pertinacity the Nicaraguans must hold on to the popular idea of rights in Guanacaste & Mosquitia, when most of their leading & influential men have in some form or other lent their name and influence to the controversy. The present Director, Mr. Pineda, has been a Commissioner at one time in behalf of Nicaragua, & the Secretary of Foreign Affairs, Mr. Castellon, won all his laurels in the discussion of the question. In fact when I arrived at Granada, last July, they were, one & all, rabid on the supposed backing of Costa Rica by England, and all my well intentioned arguments to soothe their offended pride were received with distrust & suspicion. The only hope was, that practical views might take the place of party virulence, so soon as their high

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Country to accede to the views of England & the U. States in regard to the affairs of this region. Thence we go to the Capital of Nicaragua, where I hope to have the pleasure of meeting you and learning that no opposition has been made to these views by the Nicaraguans. It is necessary for me to return to Washington in July, so that I would take the liberty of begging to have every thing arranged if possible, by the beginning of that month. The proposed treaty appears to be so favorable to Nicaragua that, I presume, little objection will be made to it there.

I am, Sir [etc.].

Memo: This reached me on 20th of June. [In Kerr's despatch No. 10, of July 28, 1852, above, this part, to which this was an enclosure, he states that he received this letter on June 21.—Ed.]

Robert M. Walsh, United States Special Agent to Costa Rica, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua

San José [Costa Rica], *June 28, 1852.*

Sir: I have the pleasure to inform you that the Govt of Costa Rica has given its full assent to the proposed treaty as you will see by the enclosed paper. The English Consul Genl and myself will leave here in a few days for Nicaragua—embarking at Punta Arenas for either San Juan del Sur or Realejo I trust that the Nicaraguan Govt has manifested a willingness to accept the propositions and that I shall be able to proceed at once to Greytown to embark in the steamer of the 15th of July in which case I shall in all probability reach Washington before the dissolution of Congress.

I have the honor [etc.].

hopes of further commerce & wealth should be realized in a judicious & liberal management of the Canal & Transit scheme. Through the agency of both these corporations, they allege, that, as a Government & a people, they have been grossly defied & deceived.

It was just at the moment, when such malign influences were at work, that I was called to lay before the Government the advisory paper of Mr Crampton & yourself. The letter of Mr Castellon, accompanying the decree of the Senate & chamber of representatives, has, as you will perceive, negatived in the most positive terms the proposed basis for adjusting the outstanding questions.[1] Strong motives may be found for this decided course in the sneers & insinuations of the other States, conveyed in the oft repeated sentiment, that Nicaragua was already lost to Central America, having been passed over into the hands of Americans. The publicity given to my official conduct, during the outbreaks at Leon, seemed for awhile to have neutralized all force in such an idle & mischievous an idea; but it has been found to rankle among the politicians, so as to exhibit itself under the slightest & most flimsy pretexts. . . .[2]

I have never been able to ascertain how far the accessory Transit, as distinct from the Canal company, was a measure positively needed to conserve in their original integrity the privileges under the Charter & its supplements; but I did not think August last a proper time to enter upon negotiations with

[1] Castellón's note, referred to, dated July 20, 1852, is above, this part, doc. 1214, and the decree, in note 4, p. 293.

[2] The two omitted portions of this despatch discuss matters not within the scope of this publication.

The following is an extract of a letter, from Kerr to Walsh, regarding the Nicaraguan rejection of the Webster-Crampton proposal, and, apparently an enclosure with Kerr's despatch of July 28:

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Robert M. Walsh, United States Special Agent to Costa Rica

[EXTRACT]

MANAGUA, *July 24, 1852.*

MY DEAR SIR: A special courier has just arrived from Realejo, & on Monday afternoon Mr. Wycke will be in Managua, when we may renew the attempt to bring about a better understanding with the Government in regard to the various points embraced in the recommendatory paper of the representations of the United States & England, forwarded to me at Leon. Having pressed the matter in every way, personally, it is my intention to have a joint appeal on the arrival of Mr Wycke, and the session of the Chambers having been prolonged, by a decree of yesterday, something may possibly be effected. I have very little hope, however, after so decided a stand from the first on the part of Mr Castellon. Mr Pineda, the Director, was once a Commissioner in this boundary controversy with Costa Rica, and the Minister of Foreign Affairs obtained much of his reputation from his polemic writings in England against Lord Palmerston on these identical points.

Had a Commissioner of Costa Rica accompanied you, I have some slight faith in the idea that a renewal, on his part, of the equivalents, actually offered for a cession of Guanacaste years ago, might have opened a postern of escape to Nicaraguan pride &

tion, & but for the present effort on the part of the United States & Great Britain, presented a moral spectacle to the world for the applause of the just and generous men, the great project of an interoceanic Canal would have failed for a time at least to secure the least confidence or respect.

There seems to be some obliquity regulating the conduct of Mr White, else such a letter, as his, evidently needed for the information of the Department, could never have been addresed to me in my official character here;[1] the very Country above all others, where the high toned & lofty sentiments, taught by the early fathers of our Republic, ought to be held up in order to enlighten & purify the Government & the people. I fully appreciate the kindly preference that commissioned me to such a State, as this, & I am thoroughly convinced, that the withholding of such a letter would make me a participator in the baseness, suggested by it. I am well aware, that among the fallacies & vulgar errors, for which we are indebted to English Literature at an era, when jealousy of Spanish power chanced for a while to be a predominant feeling, there might be some foundation for so sweeping a denunciation of "Spaniards." Entertaining no such sentiment

[1] Mr. White's remarkable letter—well deserving Kerr's righteously indignant condemnation—transcribed from an undated copy of it which was apparently enclosed and filed with Kerr's despatch of July 28, follows:

John L. White, Esq., to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua

[CONFIDENTIAL]

My Dr Sir: Enclosed I send to you the letter of Mr Webster. The treaty I have of course seen.

The part about the *three years duty* to be paid to the Mosquitos I wrote & caused to be inserted in lieu of the sum of $100.000, which was agreed on & put in the treaty. This I knew would deter Nica from signing. Whereas the *nett proceeds* of a ten per cent duty will be *nett nothing*. Indeed nearly all the duty collected will be from those persons living at San Juan del Norte, & the State may still collect duties at San Carlos for her own benefit.

The Company have requested me to go to Nica in obedience to the request of the President as contained in the letter. I am obliged however to go first to Europe (the 15th inst) & cannot reach Nicaragua before August. Long ere then however, you will I hope have procured the signature of Nica to the treaty— If she proves obstinate & refuses to sign, *dont send the treaty back before I come, but protract the negociations* until I come *with the means which never fail of success among Spaniards*—

These the Govt will not of course furnish, but my *associates & myself will.*

Please present my regards to Mrs Kerr, & remember me kindly when you see them to Senors Don Alfaro & Chamorro.

Very truly Yours.

Memo [Evidently added by Kerr.—Ed.]: Accompanying the above extraordinary production was an original of a formal note from the State Department of April 30th last & it is the letter of Mr Webster, to which it refers. [This letter, filed in *Domestic Letters*, vol. 40, merely informed White that important instructions, affecting the Canal Company's interests, were being sent to Mr. Kerr, and suggested that the Company send someone to confer with him and the Nicaraguan authorities.—Ed.]

some, the character of the clever tactician or the trickish attorney; for I preferred to appeal to the better feelings of human nature, even amidst their smouldering fires, as far more effective of good results, than aught else that could be suggested to me. While so doing, though limited to Nicaragua, I have yet been able to assert, over the length & breadth of Central America the Constitutional principles of the American Union.

I have had occasion in a previous communication to deprecate the evils likely to result from the loose & unguarded conversations of Mr White even during his short stay. It is this same imprudent talking among Americans, that has caused an immense amount of injury to the commercial interests. The National Character is made answerable for individual sentiments, & Mr Walsh, when in Costa Rica, may have discovered the intense fear & jealousy of our citizens, neither felt nor expressed in regard to other foreigners. There are two or three Americans only in the interior & some few others settled at Punta Arenas, yet this sentiment of vague apprehension has become a settled conviction, altogether traceable to blurting words about conquest & possession in due course of time. Here matters had reached such a point, after all the lip-labour towards the United States, that the present interposition of both Governments under the arrangement, suggested from Washington, came opportunely to save from attempted forfeiture the Capital already vested, as accessory to the future Canal. The administration has been evidently bending its energies to invalidate the contracts under allegations of failure & fraud on the part of the two corporations. The idea has been much harped upon recently that the public interests may be greatly promoted by throwing open to competition the transit & all; & it is highly probable, that the firm stand, presented in the suggestions of the two Governments to Nicaragua, will have warded off the threatened blow. I know, that there has been much collating & comparing of this & that section of the charter & its supplements for some sinister purposes.

Though quite ill on arriving at Managua, I sought an early interview with Mr. Castellon. In this private and informal meeting he laid much stress on the allegation, that the honor of the United States had been compromitted during the mission of Mr. Squier, when the Nicaraguans were induced to forego an opportunity for more favorable terms in regard to a Canal with commercial men in England. I could only answer, that the Government of the United States had nothing to do with the actual construction of such a work, that being reserved for the individuals incorporated, for the purpose, by his own State; while Mr Squier's instructions merely authorized his good offices in facilitating on all proper occasions so grand an

by England at this very juncture was the prevailing sentiment, [illegible]
mated a charge of inconsistency in then entering the market against her, though we were now combining with that power against the rights of Nicaragua. His favorite idea was a guarantee from both powers that the canal should be successfully prosecuted, else there might be an unqualified abandonment of just claims without equivalent. With him the question was, in fact, a mere matter of dollars & cents, the general good of the world being a mere feather in the balance against any violation of the eminent domain of Nicaragua in Mosquitia or Guanacaste. Of course I could not but see, that they had no disposition whatever to entertain the propositions, made by the United States & England, & the decided negative in the letter of the 20 Inst did not surprise me. After being able to point to this spirited course towards the American Chargé, they may now give the matter a new phase in the reply to Mr. Wycke. There will be nothing really definitive; but they may hit on some plan to gain time, till an answer from Mr. Marcoleta may be received. A despatch, as I ascertained yesterday, was sent off to him at Washington. The paper though recommendatory & advisory, I must from the closing paragraph regard, as an Ultimatum from Mr. Crampton & yourself. It will be my duty, therefore, to relieve you from embarrassment in any immediate action, you may contemplate, by refusing to receive, officially, all evasive matter, however cunningly prepared for the noose. . . .

Mr Wycke, whom I have found an exceedingly agreeable gentleman, is not likely to effect any thing; though they may think it necessary to throw out new matter by way of temporizing. The idea, to which they would cling here, is, that out of a jealousy, natural, in their view, to two great maritime Nations, something, sooner or later, may be elicited for the advantage of Nicaragua. We are together in the same noose, that of a Nicaraguan Senator, who, shrewd enough in his business-matters, could not tell you of a single point, connected with this important subject now before his government. Hence you may infer, what a farce a Legislature is made to be in Nicaragua. It is generally in sympathy with the Executive branch.

I have the honor to remain [etc.].

Francisco Castellón, Minister of Foreign Affairs of Nicaragua, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [1]

[TRANSLATION]

MANAGUA, *July 29, 1852.*

HONORABLE SIR: Chas. Lennox Wyke Consul General of H. B. Majesty has presented the bases agreed upon at Washington for the adjustment of the territorial questions between Costa Rica and Nicaragua [2] which Y. Ex^cy was pleased to recommend to the attention of my Gov^t inciting it notwithstanding my reply to Y. Ex^cy on the 20th ins^t [3] to take into its consideration this business and to select some other medium thro which to put a speedy and friendly termination to the differences.

My Gov^t abounding in the same wishes and philanthropic sentiments as the American Union and Great Britain has not been able to do less than comply with the friendly invitation of Mr Wyke; and having entered into a new examination of the aforementioned bases—analized its articles and meditated maturely on each one of them; guided by the spirit of good faith and honesty which forms the distinguished features of its character—has instructed me to say to the aforementioned Consul, notwithstanding its haveing declared the disposition of the State to terminate these questions by means of an impartial arbitrament—it might accede to the proposed bases—if it were possible to adopt certain modifications which I now have the honor to enclose to Your Ex^cy [4] supplicating at the same time if you should think it

[1] Despatches, Nicaragua, vol. 1, enclosed with Kerr to the Secretary of State, No. 11, below, this part, doc. 1218.

[2] For the text of the Webster-Crampton agreement of April 30, 1852, see above, this volume, pt. 1, note 4, p. 18.

[3] Above, this part, doc. 1214.

[4] The following is a translation of the enclosed document mentioned, containing the suggested modifications:

[TRANSLATION]

MANAGUA, NICARAGUA, *July 29, 1852.*

Modifications with which, the bases established at Washington on the 30th of April for the arrangement of the questions concerning territorial boundaries may be made acceptable to Nicaragua

Art. 1. The Mosquito Indians and the territory bearing the same name—are incorporated and united forever with Nicaragua—in which they shall enjoy the same rights—and will be subject to the same obligations as the other inhabitants of that State and in the terms established in its fundamental charter. Said territory shall be considered as a Department of the State, and as such shall contribute with its respective Representatives and Senators to the Legislative Chambers, in the form and in the ratio which shall be determined by a special Law. Consequently, commerce between that territory and the other towns of the State shall be entirely free and untramelled—as in the Ports Rivers and Lakes and in the respective portions of territory for the navigation and transit of effects and carriages which shall obtain perfect security.

Art 2. Nicaragua nevertheless promises

consideration of your Gov^t for the purposes that they may give rise to.

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said Port to the Municipality which may be established there, in order that it may be applied to objects for the common benefit of said inhabitants.

2nd To assign an equitable pension to the cazique or chief of the Mosquitoes during his life.

3rd To recognize and respect as lawful grants concessions of lands which since the first of Jany 1848 to the present time have been made by the authorities of the Mosquito territory—with the exception of those grants which may be opposed to those which were formerly made by the Spanish Gov^t by the Federal Gov^t of Central America or by that of Nicaragua, or that may be contrary to the privileges or operations of the Atlantic Pacific Canal Company and accessory to the transit, or even if such grants be at those points which the State may require for forts, arsenals or other public buildings—which points must remain at the disposal of the State itself.

Art. 3. The Port shall be denominated hereafter San Juan of Nicaragua—and the public Municipal Authority shall be exercised in the name of the State—the same as in all the rest of the territory united and incorporated with it in virtue of the present Treaty.

Art. 4. The limits of the territory of Nicaragua on the side of Costa Rica shall be those which comprised anciently the Province of Nicaragua from the river Salto on the Pacific and stretching a diagonal line to the river Parismina on the Atlantic. Both States shall within one year from the ratification of this Treaty appoint one Commissioner and one Surveyor for each one of said States in order that they may make a reconnaissance of the ground and proceed to a demarcation of the boundary conformably with this stipulation. The said Commissioners shall take the necessary observations to make a special map of the dividing frontier line which (said map) shall be an integral part of this Treaty and shall have the same force as if it were inserted in it—giving to each party the copies that may be desired, to be signed by all so that if hereafter any dispute should arise from any infraction thereof; in which event it shall be considered authentic and shall be held as full proof: and in order that in this operation there may not be the slightest difficulty said Commissioners shall give names by common consent to the rivers and woods which have none, and shall distinguish them on the map with all minuteness and shall erect with stone and mortar in the proper places corners, or marks. But, it is stipituated that the navigacion for the entire course of the rivers which may be within the limits of Nicaragua from that point at which each one commences to be navigable to its mouth as likewise that of the Lake or Lakes and navigable waters shall be entirely free and common to the citizens of both States without any restriction or special condition which may favor the one more than the others; it being well understood that the citizens of Costa Rica shall be bound as well as those of Nicaragua to the only limitation established in the 23rd Articles of the contract celebrated with the Company of White on the 22nd of September 1849, and that all will have to conform to the rules concerning the government of the navigation and other laws of the State. The State of Costa Rica shall enjoy

1st Entire exemption from paym^t of introduction duties for the space of ten years in the Port of San Juan del Norte.

2nd Absolute exemption for ever from duties on the exportation of her products manufactures &c.—

3rd Like liberty and exemption from duties on the navigation of the Sarapiqui with an obligation on the part of said Costa Rica to make at its expense to render it navigable and preserve it in that state in the state in which it may be after the execution of said works—

4th To establish at that point in said River where it joins the San Juan or in any other point which it may deem convenient edifices for Custom house-stores or ware houses and for the situating of custom house officers—

5th Power or Liberty for its Citizens to hold ware-houses in San Juan for depositing the merchandize which they may import for the interior of its Territory for the space of fifteen years. All the foregoing points shall be regulated by a Special Convention.

Art. 5. The State of Nicaragua with a view to facilitate the execution of the Great interoceanic Canal in the terms stipulated by the contract on the 22nd of Sep. 1849 binds

not be accepted as is desired.

Accept [etc.].

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the Canal or the navigacion or entrance to the Ports rivers or lakes—where said work may be executed—it is well understood that the exclusive privilege granted to the Company accessory to the transit and the authorization which is given to it in the 1st Art of the Agreement of 19th of August 1851 is not to exceed the limits and objects designated in the 30th Art of the primitive contract of 22nd of September 1849 which is to promote the prompt execution of the Canal and for in case that it should be impracticable—according to what has been declared to the Company, said Company being bound to submit strictly to said Art 30 conformably with the 9th of aforementioned Agreement of 19th of Aug—

Art. 6—In case of the accomplishmt in whole or in part of the projected Interoceanic communication thro the territory of Nicaragua—the Flag of Great Britain and also of the United States as well also as the merchandize and subjects of both said Powers shall enjoy in the transit the same advantages and exemptions which may be granted to the Flag merchandize and subjects of the most favored nation. Nicaragua will regulate those points by means of the Treaties of Amity—alliance and Commerce which it is disposed to make with the two High contracting Powers; and they obligate themselves on their part to unite their efforts with those of the Govt of Nicaragua to guarrantee the neutrality of this important route for interoceanic communication—for the purpose of protecting the sovreignty of the State and a free transit agst all embargo or confiscation and to secure the capital invested in the expenses of said work; which said guarranty is conditional and with previous announcemt thereof to the govt of Nicaragua can be retracted in the cases expressly set forth in the 5th Art of the Agreement adopted in Washington by the Ministers of Great Britain and the U. States. And for the purpose of fixing the distance within which vessels of all nations shall be exempt from blockade, detention or capture by any of the belligerent parties it is declared by this—that it shall extend to all the waters comprehended within the distance of thirty nautical miles from low water mark at the two extremities of said Canal.

Art. 7—It being desirable that time should not be unnecessarily lost in the commencement and construction of said Canal the Govts of the United States and Great Britain and Nicaragua agree by these presents in case that the Company to which has been conceded the privilege of carrying out the enterprize shall not accredit within the space of one year from the date of the ratification of the present contract that said Company has not subscribed a capital sufficient for the execution of the same, or of insuperable obstacles and difficulties of a nature to impede the work or the construction of a rail-road —then there shall be no obligation on the part of Nicaragua to observe said contract and the Company shall loose the privilege the moment that any other Company disposed to commence and continue the construction of the Canal shall ask for it in the proper form. The Govt of Nicaragua after having heard from those of the U. States and Great Britain will grant the privilege under such stipulations and conditions as may be most adapted to complete the great object—

Art. 8—The Company accomplishing the transit shall obtain the same protection agreed upon in the Convention of 19th of April 1850 and in the present one it shall be enjoyed by the Atlantic Pacific Canal Company always however on condition that it shall be limited to the purpose of promoting and facilitating the Canal on the terms stipulated in Art 30th of the primitive contract of 22nd of Sep 1849; the which shall be inviolably observed in conformity with Art 9th of the agreement of 19th of Augt 1851—it is understood however that any other article of said agreement which might alter it shall be considered as null—of no value or effect and the authority granted to the Company in virtue of Art 8—shall cease.

Art. 9—The present convention shall be ratified by the contracting parties and exchanged at Washington within six months to be counted from this date.

(Signed) CASTELLON.

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Francisco Castellón, Minister of Foreign Affairs of Nicaragua [1]

MANAGUA, *July 30, 1852.*

The undersigned, Chargé d'affaires of the United States, has the honor to acknowledge the receipt of the communication of the Honorable Mr. Castellon, Minister of the foreign relations in Nicaragua, just handed to him,[2] with a request for the transmission to Washington of certain modifications of the basis of settlement, between Nicaragua & Costa Rica, proposed by the joint councils of the United States & Great Britain.

It might prove a source of future embarrassment to all parties, if the fact were disguised, that the questions, now at issue, are no longer to be narrowed down to mere polemicks, interminable from their very nature & past experience, & not at all calculated to allay the pride & prejudice of a quarter of a century, in regard to the territorial limits between these conterminous States in Central America. No one can know better than the Honorable Mr. Castellon, how utterly groundless all hopes of conciliation & compromise must prove after abortive efforts so long at adjustment, under crimination & recrimination between these respective Governments & People, protecting the same Holy Religion, & enjoying the same language & the same laws.

The paper which the undersigned had the honor to communicate from the City of Leon on the 23rd ultimo,[3] was advisory & recomendatory, and the honest truth, never now at war with diplomatic Etiquette, is that the commercial world, generally, is looking to the noble lake & waters of Nicaragua for such a right of way as may be exercised in perfect harmony with the true dignity of this State under international rules & regulations. In regard to the impartial arbiter, to which the decree of the Honorable, the Senate & Chamber of representatives, refers, let the undersigned, in all sincerity, ask the Honorable Mr. Castellon, where better & more assuredly could it be found than in the two greatest of maritime nations, whose words of advice & recommendation have just been set aside, though acting from no selfish purposes whatever, & in the name & behalf of the world at large.

The undersigned, in deference to the wishes of the Nicaraguan Government, expressed in the most solemn form, known to her Constitution, will at once forward the decree of the Legislative Body, negativing the proposed arrangement, suggested for her onward progress, as also these modifications[4] thus ripened & matured by the Executive in virtue of his powers.

The undersigned must take the occasion, however, to express his earnest conviction, that the latter paper, after so pointed a refusal by the Legislative

[1] Despatches, Nicaragua, vol. 1, enclosed with Kerr to the Secretary of State, No. 11, below, this part, doc. 1218. [2] Dated July 29, 1852, above, this part, doc. 1216.

Branch of the Government, will not in the slightest degree stay any such prompt action by the Government of the United States as may be needed to advance the great enterprise of interoceanic communication, to which it stands as one of the sponsors.

The views & feelings of another zealous & sincere sponsor, so beautifully & eloquently expressed by the right Honorable, the Earl of Derby, as the British Prime Minister, may not be out of place in the present connection, as essential indeed to dissabuse the public mind, here, in Nicaragua, of false impressions just now ripe in regard to presumed changes in the policy of England. On a very recent occasion this distinguished Peer, made the following reference to the condition of things on this Isthmus. "At this moment I may mention as an illustration, that we are engaged with a great and powerful neighbor whose military prowess all the world acknowledges & of whose prowess we have ourselves had great experience, not in those hostile ornaments which have formerly deluged the world in blood, but we are engaged in a united effort by unitted Councils, in endevoring by peaceful negotiations to extend, not for our own individual benefit, but for the benefit of the world at large, the sphere of peaceful commerce through the interior of the vast Continent of America.

Our plenipotentiaries are indeed different in person, but the instructions upon which they proceed and the spirit by which they are animated are essentially & unequivocally the same.[1]

Deeply sensible of the courtesy and kindness at all times extended to him the undersigned renews to the Honorable Mr. Castellon [etc.].

1218

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [2]

[EXTRACT]

No. 11 MANAGUA, *July 30, 1852.*

SIR: On closing my despatch of the 28th inst.[3] & just as I was in the act of paying him a visit at Granada, Mr. Walsh came up here. We have been now two days together & by a personal interview with the Director & Mr. Castellon he will have detected under what complications the government here is disposed to embarrass the subject of a settlement with Costa Rica & all regulations touching the future disposition of the Mosquito Coast. They have most certainly hardened their hearts with more than Egyptian

ernment to lead them otherwise than their pride suggests. That which I mentioned on Wednesday, as a probable thing, has actually occurred. Mr. Wycke last evening had a reply to his communication, & by way of set-off to the proposed basis of settlement at Washington he received a series of articles, as Modifications, duly drawn in strict adherence to their ancient claims & pretensions. These Mr. Castellon sent also to me in a special communication. My reply of this morning is submitted for your examination, & all the papers have been copied for this despatch. . . .[1]

With sincere respect, & regard [etc.].

1219

Felipe Molina, Costa Rican Minister to the United States, to William Hunter, Jr., Acting Secretary of State of the United States [2]

NEW YORK, *August 6, 1852.*

SIR: I have the honor to accompany herewith a sealed dispatch, from the Minister for Foreign Relations of Costa Rica, to the Honorable Secretary of State of the United States, which I have been charged to deliver.

Official engagements in this city, preventing my performing that duty personally without delay, I have been induced to employ the present channel, as the simplest manner to effect the early transmission of that communication.

In so doing, I am instructed to reiterate my Government's confident hope, that in the final adjustment of the Treaty to be signed between Costa Rica and Nicaragua,[3] the Governments of the United States and Great Britain, will exercise their friendly influence to have such provision inserted in it, as may lessen the sacrifices and secure the interests of Costa Rica.

Accept the renewal of my highest regards, with which I remain [etc.].

[1] For these proposed modifications, see note 4, p. 301, above, this part. Mr. Castellón's communication sending them is above, this part, July 29, 1852, as is also Kerr's reply dated July 30, 1852, docs. 1216 and 1217.

The omitted portion of this despatch does not fall within the scope of this publication.

[2] Notes from Central America, vol. 1. Received August 9.

There is no certain indication just what the communication, forwarded with this note, was, as nothing is filed with the note; but from the remark, in the third paragraph of the note, it seems probable that it announced Costa Rica's adherence to the joint Anglo-American proposal for adjusting the boundary disputes between Nicaragua and Costa Rica.

[3] For the text of the Webster-Crampton agreement of April 30, 1852, see above, this volume, pt. I, note 4, p. 18.

Felipe Molina, Guatemalan Minister to the United States, to William Hunter, Jr., Acting Secretary of State of the United States [1]

NEW YORK, *August 6, 1852.*

SIR: I beg leave to submit for your consideration, the enclosed copy and English translation of the procès verbal, signed at the city of Guatemala, on the thirteenth [of?] May of the present year, in reference to the exchange of the Treaty between the Republic of Guatemala and the United States, which took place that day, with the Honorable Mr. Kerr Representative of this Government.

As you will remark, the act in question was effected conditionally, and I pray you to tell me, whether, bearing in mind the last resolution of the Senate, on the subject, His Excellency the President of the United States will ordain the immediate publication of the Treaty, or any other action shall be taken.

I have the honor to remain [etc.].

1221

Robert M. Walsh, Special Agent of the United States to Costa Rica, to Daniel Webster, Secretary of State of the United States [2]

NEW YORK, *August 15, 1852.*

SIR: I have the honor to inform you of my arrival here yesterday in the steamer, Northern Light from Greytown. I am unable to proceed at once to Washington in consequence of illness. In Nicaragua I was attacked by fever brought on by the unavoidable exposure & fatigue of travelling in that Country, and am still suffering from it in a way that may render repose necessary for a few days. As soon as I can I will report myself to you personally.

With great respect [etc.].

[1] Notes from Central America, vol. 1. Received August 9.
The enclosure mentioned in this despatch, is not included in this publication. See above, this volume, pt. 1, August 10, 1852, doc. 1019 for the Secretary's reply to this note.
[2] Special Agents, vol. 18. No receipt date appears on the file copy.

José de Marcoleta, Nicaraguan Minister to the United States, to Charles M. Conrad, Acting Secretary of State of the United States [1]

[TRANSLATION]

NEW YORK, *October 16, 1852.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, has the honor to notify the Honorable Mr. Conrad, Secretary of State of the American Union, that he has received instructions from his Government to propose to that of the Union certain modifications in the Bases signed at Washington April 30 last by the Honorable Mr. Daniel Webster and the Minister of Her Britannic Majesty.[2]

Accordingly, the undersigned begs the Honorable Mr. Conrad to be so good as to inform him whether his Government is disposed to hear the proposals of Nicaragua, and to proceed to a new discussion on matters which are of vital interest to both countries.

The undersigned avails himself of this opportunity [etc.].

1223

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Francisco Castellón, Minister of Foreign Affairs of Nicaragua [3]

LEÓN, NICARAGUA, *October 21, 1852.*

SIR: The enclosed despatch has this moment been received,[4] and I transmit it in original, as you can readily return it to me after the communication of its contents.

The mild & forbearing character of the Chief Magistrate of the United States is such, that an intimation, like the present, would never have been given, if it were not the result of unavoidable necessity on his part. You may rest assured, Sir, that he sincerely desires by this timely request to maintain the cordial harmony, so essential to mutual interests and to guard against indiscretions which might seriously compromit them.

Let me, then, venture the hope that the appointment of some other gentleman, as the successor of Mr Marcoleta, will be seasonably made, so

[1] Notes from Central America, vol. 2. No receipt date appears on the file copy.

[2] For the modifications, see above, this part, note 4, p. 301, and for the Webster-Crampton agreement of April 30, 1852, see above, this volume, pt. 1, note 4, p. 18.

[3] Despatches, Nicaragua, vol. 1, enclosed with Kerr to the Secretary of State, No. 13, below, this part, doc. 1225.

[4] Not included in this publication. It requested Marcoleta's recall, as will be observed

that under his surer guidance the good understanding between the two Governments may be cherished & promoted.

I have the honor to remain [etc.].

1224

Francisco Castellón, Minister of Foreign Affairs of Nicaragua, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua [1]

[TRANSLATION]

MANAGUA, *October 25, 1852.*

SIR: I had the honor to receive, and to communicate to my government, your polite note of the 21st instant,[2] to which you were pleased to add, the despatch of the Secretary of State of the United States, to yourself, dated the 1st of September last.[3]

From the tenor of both these communications, my government has learnt, that the government of the United States, considers it indispensable, in order to strengthen and consolidate the relations of the two countries, that M. de Marcoleta should be recalled, and another gentleman appointed, under whose safe guidance, the Nicaragua matters might be managed, in a manner suitable to the views and interests of both governments.

My government, regretting deeply, that the present Minister of Nicaragua, at Washington, should have incurred the displeasure of the American government, to such a degree, as to be considered an obstacle, in the way of cherishing the relations existing between the two countries, would, at once, have complied with the recommendation of your government, if, in order to do so, at present, it could have found some cause, to justify before the legislative chambers, upon whom depends the appointment of such a minister, the measures, which it would have to adopt, in consequence.

M. de Marcoleta, in compliance with the instructions of my government, especially in what regards the maintenance of relations of friendship and good understanding, with the government of the United States, has never failed to give information, in his despatches, not only of the great care, with which he had endeavored to cultivate those relations, but also of the marks of consideration and good will, he has received from the Honorable President of the United States, and how the latter was favorably disposed, to give those relations, that character of stability and permanence, which is required, for

Cabinet.

Nevertheless, as the recommendation of the Honble Secretary of State, of the United States, has induced my government to believe, that M. de Marcoleta may have fallen into errors, calculated to compromise the honor and dignity of the State, as well as the harmony and good understanding, which actually exist between the United States and Nicaragua, it should desire, before all, that you would be pleased, if you think it proper, to ask for the antecedents connected with this fact, in order to give the requisite explanations, with a view of determining upon what is proper to be done, upon a point, about which, as you will understand, it is necessary to proceed with calmness and circumspection, without even touching upon the question of international law, which the Director wishes for the present to lay aside, actuated as he is, by the same harmonious sentiments, which are shadowed forth, in the aforesaid recommendation of the Honble Secretary of State.

In asking for the explanations, to which I allude, my government does not wish, in any way to be understood, as doubting the mild and forbearing character of the Honble Secretary of State, and, still less as intending to start questions, calculated to alter the happy condition, in which the existing relations between the United States and Nicaragua, now find themselves. On the contrary; it wishes to shew the degree of confidence, which this very character has inspired it with, by expressing its sentiments with frankness and with candor, in the hope, that the same will be taken into due consideration by said Secretary of State, whom you will inform, as you are entreated to do, of the upright intentions by which the Director is actuated, in order that he may rest assured, that, duty alone, which said Director is bound to perform, could have prevented him, from acting, on this occasion, with that perfect unanimity with which he wishes and endeavors to proceed, in all that proves to be of mutual interest and advantage to both countries.

Such is the reply, which the Director has ordered me to make to your polite communication, and, in complying with those instructions, I do myself the honor of returning the despatch to which it refers, and of renewing to you the expression of my sentiments of consideration and regard [etc.].

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Daniel Webster, Secretary of State of the United States [1]

[EXTRACT]

No. 13 LEÓN, NICARAGUA, *October 27, 1852.*

SIR: The very decided negative on the part of the Nicaraguan Government to [2] the recall of Mr Marcoleta will be found in the reply of Mr Castellon, which I now submit for your consideration. There is couched under it an affected semblance of respect for His Excellency, the President of the United States, upon whose courtesy Mr Marcoleta seems to have laid much stress; while at the same time there is a marked antithesis in regard to that high Officer and the Honorable, the Secretary of State, which is splenetic through and through. The extracts from the public journals of New York, on the eve of a Presidential election, in which the "Nicaragua question," so called, has been taken up with so much gust & relish, are here regarded, as oracular, & Mr Castellon has been emboldened in his demand for the antecedents in Mr Marcoleta's conduct, before his government can be brought to consider the request from Washington.

I anticipated an effort to raise just such a false issue, as is now indicated, and desiring to strike at the root I placed, on the instant, in Mr Castellon's hands the duplicate of despatch No. 15,[3] in original, so well calculated to prove to him at a glance, how earnest the President himself was in this matter. It seems, however, that nothing, short of the imperative mood, will do for the dozen or two of politicians, who claim to be, and who are, in fact, the life and soul of Nicaragua. Mr Castellon, it must be remembered, is a Candidate for the Directorship, & in the defence of Mr Marcoleta he may have hoped to re-open a favorite question, in the discussion of which his vanity has so often whispered a fancied triumph over Lord Palmerston. Your Moderation can never suffer from his rhetoric, however ill-disguised; but his very text books should have taught him, that irony & sarcasm were tropes better suited to Socrates & Elijah, than to so pert a soph, smit with love of himself & in no danger of rivals.

Unless I have been grossly misinformed, this very gentleman has long felt the inadequacy of Mr Marcoleta in his present position; and the want of some one, better able to cope with Mr Molina, so well informed in all matters connected with Central America & astute withal, is generally felt & acknowledged. At Managua—they have labored vigorously to manufacture public sentiment against the United States and England, & the municipali-

[1] Despatches, Nicaragua, vol. 1. Received December 27.
The omitted portion at the end of this despatch discusses matters not pertinent to this

ties far & near have had a motive & a cue for patriotism in responding to a sentiment, suggested in special missives from the Government— "Better perish than submit to ignominy." The changes have been rung every where upon these same bells, & I have seen notices in the Official Gazette of soul stirring resolutions of sympathy at Leon & by the Municipality of Subtiava, one of the Indian Suburbs. They are transcribed from the town records; but the joke is, that few ever heard of them till in print. One of them "*Voto Particular*," to which Annibal's at nine years of age was a mere circumstance, is deserving attention and I venture to send it to you. The initiatory step having been taken, in the paper of April 30th at Washington,[1] Commissioners may be found to settle these boundary difficulties, notwithstanding government decrees & individual vows. Mr Molina may be the medium again of offering two hundred thousand dollars for the sake of quieting the possession of Costa Rica & as a saving to pride in loss of territory.

Coquetting had commenced between the Nicaraguans & some few of the townsfolk at San Juan del Norte. One hundred & fifty men were to be sent to the fort of San Carlos; but they must prefer their present position, as a free town, to any thing, that Nicaragua could offer in exchange. Had such a scheme succeeded, the Granada party would have claimed the Directorship for Genl Fruto Chamorro, & the small force, received as mere police, would, in a bulletin extraordinary, have achieved a triumph over the United States & England combined. The Statu quo should be insisted upon, till these two States can settle their boundary difficulties. Any precipitancy at San Juan del Norte would greatly embarrass future negotiations. I have secured myself from chances of misconstruction by the most guarded correspondence at that point, & in fact, as facilities are here, San Juan del Norte is far more removed from us than from you in Washington. The route to California carries the Americans through the center of the broad Lake to Virgin Bay & San Juan del Sur, so far out of the regular line to Granada, that letters & papers seldom reach here under two months. The duplicate of No. 15 was handed to me by a Granada Merchant immediately from New York, & despatch, No. 14, has not reached me.

It would not surprise me to learn that the question of nationality has been made a topic for newspaper discussion among the two or three, who enlighten the columns of the Herald & Tribune at New York in all that regards Central America. Each State evidently prefers to manage its own affairs; & having reserved a right to *accept or reject* the projet of the Constituent Assembly now in fact, after many false rumors, united at Teguzigalpa, we can scarcely expect any substantive Act from its deliberations. I regret to add, that there is no heart in it, & Nationality, in Central America, has no

propriety, to use the commission to the National Representation, sent to me a year ago, &, through it, to offer the best wishes of the United States for the success of this renewed effort at Union. This may be received with ill grace by Guatemala, where there is distrust & dread of any thing, approaching to it; the result of so much suffering during the proscription of the several factions in Morazan's time. . . .

I have the honor to remain [etc.].

1226

José de Marcoleta, Nicaraguan Minister to the United States, to Charles M. Conrad, Acting Secretary of State of the United States [1]

[TRANSLATION]

NEW YORK, *November 2, 1852.*

MY DEAR SIR: The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, has had the honor to receive the despatch, which the Honble Mr. Conrad, Acting Secretary of State, has been pleased to address him, under date of the 28th of October last,[2] in reply to his communication of the 16th of the same month.[3]

The aforesaid despatch contains two essential points.

The first relates to the terms, in which the Legislative Assembly of Nicaragua, refused its sanction to the bases signed in Washington, on the 30th of last April, by the Honble Daniel Webster, of national and civic memory, and Her Britanic Majesty's Representative, to the United States of North America.[4]

The Second, merely goes to shew, that the President, with that kindness which is characteristic of him, and, in consideration of the vital interests that are involved in the territorial questions between Great Britain, Nicaragua, and Costa Rica, is disposed to listen to, and take into consideration, the propositions that may be made by the Government of Nicaragua.

With regard to the first point, the Undersigned may be allowed to call the attention of the Honble Acting Secretary of State, to the Motives which actuated the members of the Legislative Assembly of Nicaragua, in issuing the decree of the 19th of July, 1852.

First of all, although it is true, that in the preamble to the aforesaid bases, it was laid down, that the latter were merely recommendatory, yet, the

The Legislative Assembly of Nicaragua, saw nothing in this clause, but a contradiction and a threat.

A contradiction, because the Assembly had fully in mind, the 1st article, to which reference was made, and in which, both England and the United States, according to the text, renounced all ideas of occupation, every kind of jurisdiction and protection in Central America, especially as regarded Costa Rica, Nicaragua and Mosquitos; and because it saw, notwithstanding such binding clauses, that Great Britain was assuming the right of a protective power, in order to treat in the name, of the protected party, the Mosquito chief; it appearing to the Legislative Assembly, that the Government of the American Union, might very well have avoided the interference of Great Britain, in these questions, by merely asking and exacting from her, a faithful, precise and strict adherence to the article mentioned, in the treaty aforesaid. Nor did the General Assembly think, that the right of conquest which England arrogated to herself, to the port of San Juan, could, in any way, be admitted, without setting up and establishing a precedent, which would be pernicious to the tranquillity, security, and Independence of Nations. England was fully at peace with Nicaragua, when the former took, forcible possession of said port, for the restitution of which, a price is demanded of the latter, in the bases which is both unjust, excessive, and exorbitant.

The Assembly could not help wondering, at the same time, at the kind of imperative manner, in which the Government was asked to give an immediate answer, knowing that the first despatch, which its plenipotentiary in Washington, had the honor of addressing to the Department of State, on the 24th of February, 1851,[1] a despatch containing, and treating of a question of vital interest to Nicaragua, had remained unanswered, and that a reply to the same had always been evaded, under various pretexts, for a period of seventeen months, and that this reply, was still waited for, at the present day.

A threat, because the Assembly looked upon the articles contained in the bases aforesaid, as offensive and aggressive, in many of their provisions, to the national Sovereignty; articles and provisions, totally and diametrically opposed and at variance with the instructions, which the Assembly itself, had examined, discussed and approved, and recommended the Government to transmit to its plenipotentiary at Washington, who received them in due time;—the same instructions which called forth the protest, the undersigned Plenipotentiary, found himself compelled to address to the Honorable Secretary of State, Mr. Daniel Webster.

To these and other considerations of various kinds, may be added the conduct pursued by Mr. Walsh, who neither presented, nor recommended,

[1] Above, this part, doc. 1146.

ficial residence, he introduced himself, without being previously announced, —without shewing afterwards, either in his language or his deportment, the respect due to the representative of the Supreme Magistracy, breaking out into threats unbecoming the place where he was, and to his own self respect, & the decorum due to the government which had sent him there as Commissioner, and to the Chief Magistrate of the State; all of which conduct standing out in singular contrast, with the courtesy, circumspection and amenity of Mr. Wyke, the British Consul, who was entrusted with a similar mission, was the cause of the unpalatable truths, which Mr. Walsh heard from the lips of the Supreme Director of the State.

In reviewing the circumstances above stated, it is not the purpose of the Undersigned to indulge in any kind of recrimination; his object is simply to shew to the Honorable Acting Secretary of State, that the terms and the language, in which, the legislative decree of the 19th of July last, was conceived, were solely the result of a fatal combination of circumstances, which the Government of Nicaragua regrets as much as that of the American Union, but which, nevertheless, the irresistible force of public opinion, of the duties incumbent upon the legislative Assembly, and the Executive Power, could not otherwise than have compelled the adoption of, as most conformable to the interests and rights, which each of the powers aforesaid, is respectively called upon to defend and to protect.

The Undersigned being convinced that the foregoing statement, will sufice to mitigate, and certainly to do away with the impression produced on the minds of the President, and of the Honble Secretary of State, relative to the conduct, which, an imperative sense of duty, on this occasion, compelled Nicaragua to pursue; and, reiterating, at the same time, to the Honble Acting Secretary of State, the sincere and ardent wishes of Nicaragua, to cultivate and to continue on the best and most cordial friendly terms, with the Government of the American Union, he will now have the honor of explaining to him the means which Nicaragua considers best calculated to secure a favorable result, and to put an end, at once, to the existing state of things, with the least possible detriment to the parties interested.

The Government of Nicaragua thinks, and has the honor, at the same time, to submit to the American Government, that the 1st and 2d articles of the Bases of the 30th of April last,[1] may, with propriety be mended; and with this view, it begs to suggest, and is ready to adopt a new wording, modified as follows:

"The Mosquito Indians and the territory known by that name, including the Port of San Juan del Norte, shall, in future, and for all times, be incorporated with and re-annexed to the State of Nicaragua, in which they

[1] For the text of the Webster-Crampton agreement of April 30, 1852, see above, this vol-

shall enjoy the same rights, and be subject to the same obligations, as the rest of the inhabitants of the State, said territory being considered as one of its departments, and as such, it will contribute representatives and senators to the Legislative chambers, in the form, and on the principles specified by special law. The Commerce of said territory, with the other portions of the State, shall be entirely free and open, both by land and water, for the navigation of vessels, and the transit of vehicles, which shall enjoy the utmost security.

Nicaragua binds herself to grant to the Mosquito Indians, by way of indemnification, in consequence of the improvements made in the Port of San Juan del Norte:

1st Four per cent on the net proceeds of said port, for a period of five years: this sum to be paid annually by the collector of the port, into the hands of the municipal authorities hereafter to be established there, in order that the same may be invested in objects of common advantage to those inhabitants.

2dly Nicaragua will assign an equitable annuity for life, to the *Cacique* or chief of the Mosquitos.

3dly Nicaragua will pledge herself to recognize and to respect as lawful, the grants of lands that may have been made since the 1st of January 1848, until the present day, by the authorities of the Mosquito territory; with the exception of those grants that are in opposition to the grants of land made by the Spanish Government, by the Federal Government of Central America, and by the Government of Nicaragua, and those grants which clash with the privileges of the Canal Companies, accessory to the way of transit, or when the lands thus granted, are located at those points which the State wants, for building forts, custom-houses, arsenals, and other public edifices, which points shall remain at the disposal of said State.

The port of San Juan, shall preserve this, its original appellation, and the public municipal authority shall be exercised in the name of the State, in the same manner as in all the other parts of the territory incorporated with and annexed to Nicaragua, in virtue of the present treaty.

The Republic of Nicaragua, with a view of facilitating the construction of the great interoceanic canal, on the terms stipulated in the contract of September 22d 1849, binds herself not to construct, nor to allow the construction of any work which might interfere with the labors of the Canal, or the navigation and entrance of the ports, rivers and lakes where it may be necessary to carry on those works of interoceanic communication; it being well understood that the exclusive right granted to the company accessory to the transit enterprise, and the power which is conferred upon the same, by the 1st article of the agreement of August 19th 1851, is not to exceed the bounds and objects specified in the 30th article of the original contract, of September 22d 1849, the scope of which is, to promote the speedy construction of the canal, in case the latter should not be practicable, as it has been stated

those of the Government of Nicaragua, in order to guaranty the neutrality of this important way of communication, with a view of protecting the sovereignty of the State, and the free transit, against all seizure or confiscation, on the same terms, and in all such cases, as are specified in the 5th article of the treaty of April 19th 1850, adjusted between the United States and Great Britain.

And with a view of fixing the distance within which, vessels of all nations, must be exempt from blockade, detention or capture, by any of the belligerent parties, in case of war, this distance shall be declared to extend for thirty nautical miles, from the water mark at low tide, at both extremities of the canal.

It being desirous that no time should be lost in beginning the construction of said canal, the governments of the United States, Great Britain, and Nicaragua, shall agree, that, in case the company, recipient of the grant, should not succeed, within the term of one year, counting from the date of the ratification of the treaty, in obtaining the subscription of a capital necessary and sufficient, for executing the work, or in case of there being any other insurmountable natural impediment to prevent the construction of the same, in the same manner as in regard to the construction of a rail-road, in such case, there shall be no obligation, on the part of Nicaragua, to observe and abide by said contract, and the Company shall lose the privilege.

The Government of Nicaragua, having consulted that of the United States and of Great Britain, shall grant the privilege to any other company, upon such conditions and stipulations as shall be most suitable, for carrying out so stupendous a project.

The transit company shall enjoy the same protection, as was guaranteed in the Treaty of April 19th 1850, to the Atlantic Pacific Canal Company, provided that the former confines itself to the object of promoting and facilitating the construction of the canal, on the same terms as those stipulated in the 30th article of the original contract of September 22d 1849, which shall be inviolably observed, in conformity with the provisions of the 9th article of the agreement of August 19, 1851; it being understood, that any other article in said agreement, tending to alter the sense of the above, shall be considered as nul, of no value nor effect, and the power previously granted to the company shall cease.

Such are the modifications which the Undersigned has been directed to propose to the Government of the United States, concerning the Mosquito Question, the port of San Juan, and the Canal and transit companies. Those which relate to the two companies, however, are not definite. This is another proof, that the government of Nicaragua is disposed to favor, in all that depends upon itself, the construction of an interoceanic communication, without intending to constitute itself the protector of a new speculation, on the part of any number [of?] persons or companies, not actuated by a similar desire to carry out a work, so advantageous to the commerce of the world.

that which they occupied at first, before they had invited European capitalists to take part in this gigantic work; and, not being able to command, at present, from all appearances, the necessary capital, nor the means, to carry out the undertaking, by themselves, they would want to obtain some modifications in the original contract;—Modifications, to which the government of Nicaragua cannot pledge itself *a priori*, before having seriously considered the subject, as well as consulted the great powers friendly to said government.

The modifications, therefore, that may be required by said companies, are henceforth subjected to others, according to the condition in which said companies find themselves, or according to the greater or lesser guaranties and probabilities which they may offer, of being able to consummate an undertaking, which shall be entitled to general approbation.

Moreover, according to the legal opinion of that worthy and distinguished jurist, Daniel Lord of New York, the conduct and actual management of these companies, has given rise to well-founded suspicions, in consequence of the excesses and irregularities committed by their agents in Nicaragua, the tone and complexion of their official communications, and especially, on account of their having evaded, under specious pretexts, the performance of many of the obligations, to which they were pledged, by the contracts of April 22, 1849, and of August 19th 1851.

With regard to the territorial boundaries between Nicaragua and Costa Rica, although Nicaragua is of opinion that this is a family question, which ought to be settled between its own members, avoiding thereby those rocks, upon which, all the efforts that have been made, until now, for the settlement of the main question, have been wrecked,—which have, at the same time, served as an obstacle against the consummation of the splendid project, of peace and good harmony between all, and for the establishment of a canal, on the Isthmus of Nicaragua, yet the government being desirous to give some evidence of the wishes, by which it is actuated, to secure a good understanding between two sister republics, comes forward to manifest its solicitude for the mutual welfare of both, without jeopardising, however, the important interests, which said Government is bound to protect and to defend.

And if by chance, the Government of the United States thinks it proper, that the settlement of this question, should henceforth be resolved and included in some treaty, which circumstances may give occasion for, Nicaragua makes the following propositions:

> The boundaries between Nicaragua and Costa Rica, shall be the same as were formerly comprised by the old province of Nicaragua; to wit, from the *rio del salto*, in the Pacific, following a diagonal line towards the interior, to the *rio Paritina*, in the Atlantic.
>
> At the same time, Nicaragua pledges herself, that the navigation of

lake, lakes, and all navigable waters generally, shall be entirely free and common to the subjects of each state, without any restriction, nor any special condition, favoring one party more than the other: it being understood, that the citizens of Costarica, as well as those of Nicaragua, shall be subject to the only limitation established by the 23d article of the contract, concluded with the Canal Company, on the 22d of September, 1849, and that they shall conform with all the regulations, concerning the navigation law and the other laws of the state.

Costarica shall moreover enjoy the following privileges:

1st Entire exemption from importation duties for the port of San Juan, during a period of ten years.

2d Absolute exemption, for all time, from duties on exported articles of her own produce and manufactures, for said port.

3d Equal immunity and freedom for all time, to navigate the *rio Sarapiqui*, with the obligation of constructing, at her own expense, (Costarica's) the works necessary to render said river navigable, and to preserve it in the condition it will be, after the works necessary for such purpose, shall have been executed.

4th To establish at the confluence of the rivers *San Juan* and Sarapiqui, or at any other point she may think proper, Custom Houses, stores, warehouses and revenue station.

5th The privilege empowering her subjects to keep, in the port of San Juan, warehouses for depositing such merchandize, as they may have to import through the interior of her territory, for a period of fifteen years. These points, to be adjusted and agreed upon, by means of a special convention, which shall, at the same time, designate the mode and the manner, in which the boundaries of the frontier, between the two States, have to be established.

The Government of Nicaragua hopes, that the foregoing modifications and propositions, which embrace the various points in question, will meet with the approbation of the Government of the United States, and that, with the zeal and interest, it has always manifested, for good harmony and friendly relations, between the parties interested, it will contribute to the acceptation, on the part of all, of an arrangement, which Nicaragua considers, the most just and equitable for the common and general interests, obtaining, in this manner, and very briefly, the results which are desired.

The Undersigned begs the Honble Acting Secretary of State, that he will be pleased, to submit the contents of this despatch to the President of the Republic, and, at the same time, he avails himself of this new opportunity [etc.].

1227

Felipe Molina, Costa Rican Minister to the United States, to Edward Everett, Secretary of State of the United States [1]

WASHINGTON, *November 11, 1852.*

The Undersigned Minister of Costa-Rica, has the honor of addressing himself to the Honorable Secretary of State, for the purpose of calling his attention, to the unfinished state of the negotiations set on foot by this Government, in the month of last April, respecting the settlement of the territorial differences and other matters pending between the State of Nicaragua and the Republic of Costa-Rica, and between the former State and the Mosquito Indians.

Mr. Everett is, no doubt, aware, that his illustrious and lamented predecessor in office, the Honorable Daniel Webster, in concert with Mr. Crampton Her Britannic Majesty's Minister to this Government, and with a view of facilitating the construction of the contemplated Ship Canal, took pains to draw a plan of adjustment, in, as fair and equitable terms, as it was possible, under existing circumstances, to devise.

That project having been agreed upon and signed, on the 30th of April, it was to be recommended, to the immediate and earnest consideration of the Governments of Costa Rica and Nicaragua respectively, by means of special agents, sent there for the purpose, as it appeared desirable to insure their prompt decision. Mr. Walsh was accordingly appointed on the part of the United States, and was authorized to communicate on the subject with the Governments aforesaid, acting in connection with Mr. Wyke, the newly appointed British Consul General to Central America, then on his way to his future sphere of action. For greater despatch the two Commissioners were conveyed to their destination in an American man of war; showing thereby[2] that there was a determination to bring matters to a speedy issue.

The Commissioners directed their course first to San José, where they met the cordial welcome that the nature of their errand and their personal merits, entitled them to expect.

The Government of Costa-Rica, however, having fully considered the propositions presented by them could not fail to find strong objections in regard to some of the arrangements contemplated. The direct advantages of the interoceanic communication were intended by these arrangements to accrue exclusively to Nicaragua, as long as the Company's charters lasted,

defiance of the sovereignty of Costa-Rica over those territories.

It is a well known fact, that neither the Government of Nicaragua, nor the Company to which, the already mentioned privileges had been granted, had in their mutual transactions paid any regard to the claims of Costa-Rica, as if the latter Republic had no right to be a party in the affair. And it was natural, therefore, for the Government of Costa-Rica to feel itself aggrieved on the subject.

Nevertheless, desirous of removing any difficulties that might impede the success of the Canal enterprise: on the conviction that it is always judicious to compromise matters in dispute; and from a sense of grateful regard for the Powers, that were thus exerting their kind mediation and proffering their advice, the Government of Costa Rica gave on the 22d of June, with the sanction of the Legislature, an unqualified assent to the propositions recommended; confining itself to invoke the friendly offices of the mediating Powers, in order to obtain some slight modifications in favor of Costa Rica.

Nicaragua, on the other side, who had been the most favored party, by the provisions of the proposed adjustment, has shown a quite different disposition. The Government of that country has rejected the project, in a manner, which, to say the least, deserves to be qualified as very inconsiderate, while the counter propositions of the 29th of July [1] presented to the Commissioners, in that quarter, require no comment on the part of the Undersigned; such propositions being nothing more than a demand, that every point at issue should be settled according to the views of that Government. This unsatisfactory result must have proved to the American Cabinet, that there is no hope of ever bringing that State to a correct appreciation of its position, interests and duties—

In the meantime, Costa-Rica stands on a false position, having pledged herself to abide by the opinion of the Governments of the United States and Great Britain as set forth in the propositions, without obtaining in exchange any security against the assumptions and encroachments of Nicaragua: the adoption of other means of self defence being denied to her, whilst her rights are actually disregarded, and her interests deeply injured in various ways.

It seems to the Undersigned, that the Governments of the United States and Great Britain, are both pledged by the concluding words of the project, to take a final action on the premises. Costa Rica, trusting on this declaration, did not hesitate to concur in their views.

The Undersigned, therefore, in compliance with the repeated instructions he has received from his Government, begs leave to call the attention of the Honorable Secretary of State, to the expediency and propriety of concluding a treaty between Costa-Rica and the United States, according to the tenor of

the propositions: Costa-Rica, on one part, agreeing to convey, on her own and indisputable title, to the American Atlantic Pacific Ship Canal Company, the right of way, privileges of navigation and sections of land: all of which concessions that Company is in need of, at present, in order to legitimate the tenure of its charters; and the United States, on the other part, engaging to support Costa-Rica in the maintenance of her boundaries and rights, against the assumptions of Nicaragua.

This proceeding appears to the Undersigned, to be the only course now open for both parties, in order to terminate this affair, which has been kept in suspense, since Mr. Walsh's return, three months ago. Any further attempts of negotiation with Nicaragua, would, no doubt, result in fresh disappointments.

The Minister of Costa-Rica earnestly and respectfully requests Mr. Everett's early attention to the contents of this note; trusting that the conduct of Costa-Rica in the premises, has been duly appreciated by the American Government.

And he has the honor [etc.].

1228

Felipe Molina, Costa Rican Minister to the United States, to Edward Everett, Secretary of State of the United States [1]

WASHINGTON, *November 17, 1852.*

SUGGESTIONS AS TO THE COURSE THAT MAY BE ADOPTED FOR THE SETTLEMENT OF THE CENTRAL-AMERICAN AFFAIRS

Firstly—A Treaty can be signed between the United States and Costa-Rica as I have proposed providing the maintenance of the state of things contemplated by the propositions of April as regards Costa-Rica and Nicaragua and the Canal Company; [2] such state of things to be considered as a finality.

Secondly—Should not this plan seem advisable a Treaty could be concluded between the United States and Costa Rica stipulating the maintenance of the contemplated arrangements as regards Costa-Rica, Nicaragua and the Canal Company only as a temporary settlement to be kept until such a time as the Governments of Costa-Rica and Nicaragua shall effect a peaceful adjustment of their differences either by a direct agreement or through arbitration. Provided that these temporary settlements shall not prejudice any of the claims of the contending parties which claims shall be discussed and adjudicated upon in their full extent and in all their bearings—

[1] Notes from Central America, vol. I. No receipt date is given.

This paper is unsigned and not addressed to any individual. It appears to be certain, however, that it was written by Molina, and was intended for the Secretary of State; it is

hold that place only as a kind of trust until such a time as Nicaragua shall give its acquiescence on the same conditions and reimburse Costa-Rica of the outlays which she should have made in order to pay the indemnity to the Mosquito Indians or for other objects regarding the possession of that Port—

1229

Robert M. Walsh, Special Agent of the United States to Costa Rica, to Edward Everett, Secretary of State of the United States [1]

WASHINGTON, *November 19, 1852.*

SIR: I have had the honor to receive your communication of yesterday, enclosing an extract from a note of the Minister of Nicaragua,[2] in which I am accused of grossly improper conduct towards the Government of that country. I at once pronounce the accusation to be false—ridiculously as well as maliciously false. It is strange that charges of so grave a nature should have been so long delayed; and it is still stranger, if I had really acted in the way described, that I was not summarily ejected from the presence of the insulted & complaining dignitaries, instead of being conducted by them to the door, when I took my leave, with all the ceremonial of the most obsequious politeness. To have endured what they are said to have done without some such demonstration, would certainly prove them to be more or less than men—angels of forgiving meekness, or poltroons beneath contempt. But they had not the least cause then to show themselves to be either. What they now show themselves to be by this miserable exhibition of calumnious malignity, it would not be altogether charitable to proclaim.

After accomplishing my mission to Costa Rica, I proceeded, in pursuance of my instructions, to Managua for the purpose of getting any despatches which our Chargé d'Affaires might wish to send by me to the United States. *Before my arrival there*, the propositions of G^t Britain & the U. States for the settlement of boundaries, had been rejected by the Government of Nicaragua in a way that indicated feelings of great irritation. I remained a few days in Managua to give Mr Kerr time to prepare his despatches, and deemed it proper, whilst there, to pay my personal respects to the Minister of Foreign

[1] Special Agents, vol. 18. Received November 20.

[2] The "communication of yesterday," from the Secretary of State to Walsh, is not included in this publication, its contents being adequately revealed here; but the note from the Nicaraguan representative, referred to, is above, this part, November 2, 1852, doc. 1226.

I was introduced in due form. In the same apartment with him were the President and two other Ministers of State, and to them also I was presented, although my visit was only meant for Mr Castillon. After a few complimentary allusions to the beauty of their country, I said that although I held no official position in regard to them & had therefore no right to speak to them on official matters, yet I hoped they would permit me to express my regret at not being able to take to the U. States a favorable answer from them to the propositions such as had been given by the Govt of Costa Rica. This led to a conversation on the subject of the treaty, in which, as they seemed disposed to carry it on, I endeavored, to the best of my ability, to make them sensible of the mistake they had committed in refusing the propositions, by representing to them the benefits which, in my opinion, would accrue from their acceptance and the evils which would flow from their rejection. As I was talking merely as a private individual, I thought myself free to speak more unreservedly than, perhaps, would have been "diplomatic" if any official relations between us had existed. This fact they must have perfectly understood; and the charge, therefore, of "neither presenting nor recommending but mentioning the bases," is simply absurd as far as the non-presentation of those bases is concerned, I having as they well knew no authority to present them—as to the non-recommendation of them it is absolutely false, for I urged every argument in their favor that could be employed. To the next charge that of "introducing myself to the Supreme Magistrate without being previously announced"—the foregoing account of my visit is an answer quite sufficient to show how contemptible it is. Equally false is the charge that I broke out into threats or showed disrespect in either language or deportment. If any one were obnoxious to the imputation of unbecoming behaviour, it would be the President himself in the remarks that he ventured to make about the Govt of the U. States, which he accused of breach of faith in its conduct towards Nicaragua. That my indignation was aroused by this accusation, and that I replied to it with emphasis, I freely avow. I should indeed have been wanting in "self-respect" and in the respect due to my Govt, if I had not done so; but that I went a step beyond the limits of decorum, I deny. My language might with all propriety have been more energetic even than it was, in repelling the unwarrantable and insulting remarks on this head of both the President & the Ministers. An idea of them may be derived from the fact, that Mr Kerr deemed it his duty to address a note to the Minister of F. Affairs, soon after the conversation, asking for the evidence on which they were based, no answer to which had been given up to the time of my departure. I presume that "the unpalatable truths" which it is said that I heard "from the lips of the Supreme Director of the State," were these aspersions on the Govt of the Union, as I

would sustain its pretensions in every way, and its irritation was great on discovering its mistake. Conflatâ magnâ invidiâ seu bene seu male, gesta premunt. The good understanding between the American & British Cabinets was unpalatable to it in the extreme, giving as it did a death blow to its hopes of profiting by the rivalry of the two Powers. It was also engaged in vexatious disputes with the Transit Company; and not long before my arrival, serious difficulties had occurred with the American residents in the town of Granada. The idea, moreover, of yielding aught to Costa Rica, hating that country as it does for its immense superiority in all that renders a nation respectable & prosperous, was more exasperating, even, than the loss of the most valuable territories and privileges. It would indeed be matter of deep regret if our Gov^t had in any way abetted its enmity to the Costa Ricans, who, by their industry, integrity & progress are doing credit to republican institutions, whilst the Nicaraguans are dragging them in the very filth of corruption to irretrievable ruin.

I beg pardon for trespassing at such length upon your patience, but I am anxious to remove at once from your mind the slightest suspicion that I could be guilty of such conduct as is charged. I have been many years in the diplomatic service of the country, and this is the first time that aught to my disparagement has been placed on the files of the Dep^t of State; whilst I might adduce various testimonials on record there, of the manner in which I have discharged my duties, as evidence of the improbability of guilt in the present instance. On the strength, too, of those testimonials I might claim to be believed in preference to men who, I venture calmly to assert, never told a truth that would interfere with their objects, or omitted to tell a falsehood which they supposed might promote them—and their object just now is clearly to make me in some way responsible for their action in regard to the propositions, although these had been almost insultingly rejected before my arrival at Managua. Nevertheless, as Mr Kerr was present at the interview, I respectfully request that you will send him copies of the accusation against me and my reply, in order that his testimony as to what passed may be obtained.

I have the honor to be, Sir, [etc.].

1230

Felipe Molina, Costa Rican Minister to the United States, to Edward Everett, Secretary of State of the United States[1]

WASHINGTON, *January 8, 1853.*

Mr. Molina, Minister of Costa Rica, has the honor to present his compliments to the Honorable Edward Everett, Secretary of State of the United States, and takes pleasure in transmitting him herewith 5 copies of a pamphlet,[2] which he considered it his duty to publish, with regard to the boundary question which unfortunately is now pending between the Republic of Costa Rica and that of New Granada.

Mr. Molina trusts that the Secretary of State will be kind enough to inform His Excellency the President of the contents thereof.

1231

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Edward Everett, Secretary of State of the United States[3]

[EXTRACTS]

No. 14 LEÓN, NICARAGUA, *January 13, 1853.*

SIR: The death of Mr Webster, on its official announcement to me, was at once communicated to this Government.

The Nicaraguan politicians, since my last despatch, have been engrossed with the controversy, at New York, between Mr Marcoleta & the Accessory Transit Company, & so much bitterness has been excited, that it has mingled itself with every thought & feeling in connection with the American Government. The policy of Mr Webster, however much it may have been vituperated for the moment among these people, or misunderstood at home on the eve of the recent election, has been the means of saving the rights & privileges of the Canal Company. The paper of April 30th,[4] recommending a basis of settlement between Costa Rica & Nicaragua, came just at the moment when they were preparing here for a rupture with the transit Company, as preliminary to a forfeiture of the Charter; but the idea that the United States would not be listless or indifferent, was brought home to them by this evident earnestness for the removal of all difficulties in the way of the Ship-canal. For a long while, previously, their minds had been poisoned from various sources by the positive assertion that no one regarded the great project, as

[1] Notes from Central America, vol. 1. Received January 10.
[2] No copy of this pamphlet was found with the file copy of this note.

been duped by the clever manoeuvring of persons interested in a mere transit line.

All this was fomented by a few individuals, who were in hopes of building up their fortunes by the withdrawing of exclusive privileges from the Company. In pursuing a course of conduct, strictly consistent with my official position, & thus holding myself free to act for one and all, under proper circumstances, when any personal application might have been made to me, I may possibly have failed to satisfy the expectations of the special agents of the Transit. There is a gentleman of some standing, as I learn, from New York, Judge Edmonds, now at Managua in behalf of the Company; but I have had no advices from him. Should this agent, however, meet with embarrassment, I should deem it a duty to aid him to the extent of my ability.

The call of a convention at Chinendega [Chinandega], a town of Nicaragua, near this Capital, so far back as 1849, & the meeting of six delegates, (two from each of the three States of Honduras, Salvador & Nicaragua) are facts, sometime since, made known to the Department. These six members issued a pact on the 8th of Novr in that year, under which they assumed to have control over the Foreign Relations, & with the imposing title of "National Representation" professed to be engaged in the patriotic work of re-constructing Nationality for Central America. The hostility of Salvador & Honduras to Guatemala was well understood, & much apprehension was naturally felt in the last named State of a combination for some ulterior object. This was not a groundless fear, for the sequel was a declaration of war in the spring of the following year (1850) against Guatemala in which the united forces of Honduras & San Salvador suffered a severe reverse. From that time the "National Representation" dragged its slow length along, having headquarters in Nicaragua, the six members, in the enjoyment of their salaries, making little effort to fulfil their mission. Such as the National Representation was, it remained till my arrival at Leon in July, Eighteen hundred and fifty one, and the first intimation of its existence reached me in an attempted cabal against Nicaragua on the question of a Chargé from the United States, unaccredited to that body. At that moment Nicaragua, in her own right & name, had a Minister Plenipotentiary in Washington, & I could not exactly understand, how a Convention for framing a Constitution could so adroitly be elevated, on the instant, into an actual government. Two of the most active members were so thoroughly implicated in the revolutionary attempt of August, Eighteen hundred & fifty one, against Nicaragua, that they were forced to seek safety in flight. There was then an adjournment to Honduras, & the National Representation found a safe postern in the summons for a National Constituent Assembly of the three States at Tegucigalpa. After many months of delay & suspense a

few weeks past. A Recess has now taken place against the wishes of some of the members & the protest of one, (Mr Barrundia) who regards it as a virtual dissolution of the body. A Committee, however, has been named to sit during the recess, & to prepare a Constitution for the action of the Assembly in the middle of February; but the better informed here have no hope of ultimate results. The protest of Barrundia will be found in the "Sigla" No. 146. a Salvador paper, a copy of which accompanies this despatch, & it is to be regretted, that these States, if in earnest about Nationality, should, on every occasion, allow a leading position to one, so envenomed against Guatemala, his native State, as this Mr Barrundia. It gives color to the charge, that there is no sincerity in all these open professions of a desire for Union; that Nationality, in fact, is nothing more than vindictiveness against Guatemala.[1] . . .

. . . Guatemala and Costa Rica boldly avow that they intend to remain, as they are, distinct Republics, & Salvador, with actual revenues & available resources, through the important seaport in the Gulf of Fonseca, the entrepot, in fact, for the whole Country, must necessarily be trammeled just now by a political connection with States so unsettled as Honduras & Nicaragua. This sentiment is deeply fixed in the minds of the intelligent men of San Salvador; while the importance of Nationality is understood & appreciated by all classes of persons. In Nicaragua and Honduras there is no heartfelt reverence for the principle, & with much more of bluster & pretence it has now become a mere juggle of State to cozen others.

The idea artfully disseminated among these poor people is, that England in fear & jealousy of their growing power & importance stands in awe of a confederation, against which it is essential for her interests to be constantly aiming an envious missile.

The possession of the Balize [Belize] by the English is a fixed fact, dating back many years, as against Spain, & the Mosquito question has been a subject for discussion & negotiation for nearly two centuries. It is now questionable, to whom this insalubrious sweep of Country on the Atlantic belongs; while in view of our policy in regard to Indian tribes the Protectorate of Mosquitia must be taken, as a shift & subterfuge. Save at one or two points, at the mouths of the rivers, it is, along its whole extent, a wilderness unexplored & almost inaccessible. Held by Spain, as a sort of trust-fund for the benefit of her transatlantic possessions, when disposed to traffic, New Granada, to this day, makes continual claim for a sliver notwithstanding the alleged possession of the States proper of Central America.

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Jesús de la Rocha, Minister of Foreign Affairs of Nicaragua [1]

LEÓN, NICARAGUA, *February 12, 1853.*

SIR: The loss of confidence in Mr Marcoleta has already been made known, in respectful terms, to the Government of Nicaragua, and I could not but regret, that the Secretary of the Foreign Relations should have thought proper to accompany an official reply to the request of His Excellency, the President of the United States, with a demand for the antecedents in his conduct, altogether inconsistent with the mutual rights of embassy, established by the law & usage of Nations. All the authorities are clear and explicit upon the point, that an offended government may rid itself, if it thinks fit, of a Minister who has made himself obnoxious, by proceedings far more prompt and summary, than this one, adopted by the President, for the sole purpose of cultivating harmony and amicable intercourse between the two Governments.

Having had repeated occasions to appreciate and acknowledge a marked courtesy in my interchanges with the several Ministers of State in this Republic, I was not prepared for a negative, couched under language, which, admissible perhaps in the light of diplomatic subtlety, was by no means respectful towards one, whose integrity and experience, in his exalted position, as Chief Magistrate of the American Union, had secured for him an abiding place in the esteem of his Countrymen. I had intimated, in my previous communication, upon this subject, that the moderation and forbearance of Mr Fillmore's character forbade the idea of any precipitate measure, on an occasion so grave, as this request for the recall of a foreign Minister of itself implied; and I had indulged the hope, that these traits, in one always calm and considerate, would be taken at once, as guarantees of the unfitness of the functionary, representing Nicaragua near the Government of the United States.

Again, in a sincere spirit of good-will I lay before the government of Nicaragua the renewal of this request for Mr Marcoleta's recall, and I ask the substitution of some other from among the many tried Citizens of the Republic, equally conversant with all former & recent complications in Central America. It would give me much pleasure to communicate to the President of the United States such a result from this reiterated request, as would evidence a disposition on the part of Nicaragua, to respect the comity, which is ever due from one sovereign State to another.

You will also perceive in the accompanying despatch, No. 18,[2] submitted to you, in original, that the government of the United States must decline all

further discussions on the subject of the inter-Oceanic Canal, till satisfactory explanations be given for the peremptory rejection of the advisory & recommendatory paper of the 30th of April last.[1]

The Government of Nicaragua will be sure to find, in looking back upon the official notes of its accredited Ministers at Washington, sufficient to justify this expression of interest, upon a subject fraught with so much benefit to the commercial world, as the grand enterprise for joining the two oceans at the narrow gateway on this Isthmus. It has proved a source of astonishment and regret to the United States that any misconstruction of its motives should have followed what was, in fact, a mere act of friendly duty in removing the obstacles to a noble work to which its sanction, in solemn form, had been given.

After a residence of two years I can not be insensible to the bright future, that awaits a country, so highly favored in climate and natural productions, and I assure you, that the Government of the United States is solicitous for its peace and prosperity.

Let me avail myself of this occasion [etc.].

1233

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Edward Everett, Secretary of State of the United States [2]

[EXTRACT]

No. 17 LEÓN, NICARAGUA, *February 22, 1853.*

SIR: Mr Stevens, of Washington, in the shortest time possible, placed in my hands, at Leon, on the 10th inst. your despatches, Nos 18 and 19,[3] and I at once addressed a communication to Mr Rocha, Minister of foreign affairs, with No 18 in original— By the same gentleman I transmit to the Department a copy of my letter with Mr Rocha's reply.[4]

In the accompaniments to a late despatch the withdrawing of Mr Castellon, as Minister of the Foreign Relations, was indicated, as the result of a leave of absence; but it has been prolonged to this date & it now rather seems

[1] For the text of the Webster-Crampton agreement of April 30, 1852, see above, this volume, pt. 1, note 4, p. 18.

[2] Despatches, Nicaragua, vol. 1. Received March 28. The omitted portion at the end of this despatch is not pertinent to this publication.

[3] For the former, dated December 30, 1852, and for the latter, dated January 5, 1853, which explains at length the reasons for demanding Marcoleta's recall, see above, this volume, pt. 1, docs. 1023 and 1025.

[4] His note to the Minister of Foreign Affairs, dated February 12, 1853, is printed above, this part, doc. 1022; but Mr. Rocha's reply dated February [illegible]

the candidate for the Directorship at the recent election, from the Department of Leon, and as his rival, Mr Chamorro, of Granada, will be chosen by the Legislature, after a failure in the Electoral College among the several names before it, it is whispered, as an intended stroke of policy, to have him substituted for Mr Marcoleta at Washington, & thus to be secure of quiet at Leon.

With this rumor rife, there was the greater need of avoiding any expressions, that would have been subject to cavil, & I could adopt no form of words, in which a demand for passports, in case of a refusal to recall Mr Marcoleta, should be embraced, that would not have been taken by these people in their present temper, as an indirect threat. In view of the discretion given to me I have reserved this as an ultimatum.

An attempt at Centralism for the three States of Honduras, Salvador & Nicaragua, under the auspices of a convention at Teguzigalpa has signally failed. Many of the leading men in San Salvador & here were at heart opposed to it, as a specious pretext. A revolutionary movement on the 6th of January last was quelled in the City of Salvador by the arrest of several military men in the confidence of Genl Cabañas of Honduras, & the State of San Salvador now openly denounces the proceedings of the Convention at Teguzigalpa [Tegucigalpa], as hollow-hearted & insurrectionary.

Most of the Nicaraguan delegates have returned to their homes; though the ostensible object of the call of the Legislative Chambers, for Decr 15th last, was to receive & consult upon the programme of a provisional government from this Convention in which the name of Mr Castellon, after the positive refusal by Genl Cabañas, had been inserted, as the President. Even with a system of alternates, at each election, for members of both houses, it is a difficult matter to obtain an attendance of a quorum; but Mr Rocha's letter mentions the installation of the Chambers on the previous day.

I have every reason to believe, that a combined effort has been made, by persons, professing to sympathise with Nicaragua, in the United States, to procure a forfeiture of all the privileges to the Canal & Accessory transit. At the first intimation of such a step here, I will deem it a duty to protest against any wanton disregard of the vested rights, secured to American Citizens. The Mission of Judge Edmonds has led to no arrangement whatever, and he did all in his power to compromise matters.

Aware of the dilatoriness usual here in all public matters, I do not feel authorized to detain Mr Stevens, until a definitive answer can be received from Managua. He will, therefore, leave in the morning for San Juan del Norte. . . .

I have the honor to remain [etc.].

SIR: I had the honor to receive your communication of the 23d. instant,[1] in which, with allusion to my letter of the 11th November,[3] you have the goodness to inform me, that the President has recommended to Congress to make the necessary appropriation for sending an Envoy Extraordinary and Minister Plenipotentiary to all the States of Central America, with the hope of promoting through negotiation an amicable settlement, among other things, of the questions existing between Costa-Rica and Nicaragua. And you add that the proposal has been viewed with favor by the House of Representatives and that it is expected also it will be sanctioned by the Senate.

As regards Costa-Rica I am happy to assure you, in discharge of my duty, that the recommendation above stated, shall be esteemed as a new evidence of the sincere friendship always entertained by the United States Government, and especially by President Fillmore and his distinguished advisers, for all the Central American States, and that as far as Costa-Rica is concerned she will persevere in that policy of conciliation, which has earned for her the favorable opinion of the American Government: an advantage that my country knows how to appreciate and feels anxious to retain.

It is my personal impression that the contemplated measure, if carried out, will be productive of the most beneficial results, for all the Central American States.

I embrace this opportunity [etc.].

1235

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Jesús de la Rocha, Minister of Foreign Affairs of Nicaragua [4]

[EXTRACTS]

LEÓN, NICARAGUA, *March 8, 1853.*

The undersigned, Chargé d'Affaires of the United States of America, acknowledges the receipt of the communication from the Honorable Mr Rocha, Minister of the Foreign Relations, under date of the 23d ult°,[5] in which he is informed, that a definite answer to the reiterated request of His

[1] Notes from Central America, vol. 1. Received March 2.
[2] Above, this volume, pt. 1, doc. 1027. [3] Above, this part, doc. 1227.
[4] Despatches, Nicaragua, vol. 1, enclosed with Kerr to the Secretary of State, No. 18, below, this part, doc. 1236.
[5] Not included in this publication; its purport is here indicated.

Excellency, the President of the United States must be protracted for the action of the Legislative Chambers of Nicaragua. This course may have been taken in accordance with the requirements of the written Constitution of the State, defining and limiting the exercise of prerogative in the Supreme Director, and with a reverential regard for Constitutional freedom, under a system of checks and balances, the undersigned is not disposed to gainsay such an act of deference. All he would respectfully ask is an early solution.[1] . . .

In consonance with international usages, the President of the United States has twice made a request, just and reasonable in every aspect, of the Government of Nicaragua, and it now remains for the undersigned to state explicitly, through the Honorable, the Minister of Foreign Affairs, that, unless an affirmative answer be returned by ten days, he will be constrained to visit Managua for the purpose of demanding his passports, preparatory to quitting the Country under instructions.

The undersigned avails himself of the occasion [etc.].

1236

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to William L. Marcy, Secretary of State of the United States [2]

No. 18 León, Nicaragua, *March 8, 1853.*

Sir: I submit to the Department a recent letter from Mr Rocha, Secretary of Foreign Affairs in Nicaragua,[3] evading a definite answer to the reiterated request from the President for the appointment of some other person in Mr Marcoleta's place, and the reply,[4] which I have felt it my duty to make. Should the government here force upon me the ultimatum, suggested by my instructions, there are still circumstances, in connection with the health of my family, which will deter me from attempting the journey to San Juan del Norte for some months. Thus I may be in a position to advise the Department of any sudden and important turn in political affairs.

I have the honor to be [etc.].

[1] This omitted portion argues at length, and very respectfully, referring to international practices, that the request of his government should be complied with.

[2] Despatches, Nicaragua, vol. 1. Received April 11.

[3] Dated February 23, 1853, but not included in this publication. See note 5, p. 332, above, this part.

[4] Dated, also, March 8, 1853, above, this part, doc. 1235.

Felipe Molina, Costa Rican Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *March 9, 1853.*

The Undersigned Envoy Extraordinary and Minister Plenipotentiary of Costa-Rica has the honor to acknowledge the receipt of the Honorable W. L. Marcy's letter of yesterday,[2] informing him, that having been appointed Secretary of State of the United States, Mr. Marcy will be prepared to receive any communication, that Mr. Molina may think proper to address him in his official character.

The Undersigned hastens to return his respectful thanks to the Honorable Secretary for his politeness. And, availing himself of his kind permission, takes this early opportunity to lay before Mr. Marcy copies of the Memoirs that Mr. Molina has published, at different times, with regard to the pending questions between Costa-Rica and Nicaragua, and between the former Republic and that of New-Granada.

The Honorable Secretary is no doubt aware, that the Government of Costa-Rica has for the last three years been soliciting the friendly mediation of the United States in reference to the disputes with Nicaragua: that this request was cheerfully granted: and that negotiations on the subject were opened and are being carried on.

The Undersigned has been likewise instructed, to solicit the exercise of similar good offices, on the part of the United States Government, for promoting the settlement of the points at issue with New Granada; and, in compliance with that order, the Undersigned, now begs the Honorable Mr. Marcy to have the goodness of submitting to the consideration of His Excellency the President, the earnest request of the Costa-Rican Government, for his friendly interference in this subject.

The above mentioned publications, containing detailed statements of the foundations on which the claims of the Republic of Costa-Rica rest, on the one and the other case, the Undersigned ventures to hope that the Honorable Secretary, at his best convenience, will be pleased to look into those documents.

The Minister of Costa-Rica embraces this opportunity [etc.].

[1] Notes from Central America, vol. 1. Received March 10.
[2] Not included in this publication; its purport is here adequately revealed.

Henry Savage, in charge of the Legation of the United States in Guatemala, to William L. Marcy, Secretary of State of the United States [1]

No. 12 GUATEMALA CITY, *March 26, 1853.*

Herewith I send enclosed [2] copy of a Treaty unauthorizedly signed in Brussels, on the 14th April 1852 by Mr L. Veydt Consul General of Guatemala, residing in Brussels, and the Commissioners of the Belgian Company of Colonization of Sto. Tomas; with a memorandum which served as a basis for this Treaty, also the Resolution of this Government, withholding its assent to said treaty, and a note of Mr Rodriguez, Secretary of State, accompanying these documents.

It appears that the Belgian Colonization Company of Sto. Tomas, not having been able to fulfil the engagements entered into with regard to the Colony; the Government of Guatemala, by its Secretary of State, sent a memorandum to Mr Veydt, on the subject of that colony, in order, that the Company might renew their efforts to promote its welfare, and prevent its threatened dissolution: and in view of the friendly dispositions therein manifested on the part of the Government of Guatemala, the treaty was concluded. But, this Government has notwithstanding, declared the Contract forfeited, and now refuses to ratify the Treaty.

Great efforts are, however, being made to place the Colony of Sto. Tomas, which is in the vicinity of Belize British Honduras, under more powerful influences, and I am informed, from a reliable quarter, that the British Consul has, by directions of his government, interposed the influence of his office, to obtain the ratification of this treaty, and several notes have been interchanged between the Minister of State and the British Consulate, on this subject. It is for you, to determine on the consequence of these measures.

Very respectfully [etc.].

1239

Henry Savage, in charge of the Legation of the United States in Guatemala, to William L. Marcy, Secretary of State of the United States [3]

No. 13 GUATEMALA CITY, *April 1, 1853.*

In my despatch N° 12[4] in reference to the affairs of the Belgian Colony of Sto. Thomas, I said, I was informed that the British Consul had by directions of his Government interposed the influence of his office to obtain the

[1] Despatches, Guatemala, vol. 3. Received May 23.

original, addressed to the Minister of the Interior, by the British Consul General,[1] in which he emphatically asserts, *that his instructions were most positive, not only to support, but even to state, that her Majesty's Government might see itself compelled to insist upon the ratification of the convention of the 14th of April 1852 founded as it was upon the Memorandum of the 29th of November 1851 which he thinks is a sufficient proof of the importance attached to that document.*

Now, as the ratification of this treaty would imply a right to the permanent establishment of an European Colony, by which means also, it would be brought under more powerful influences, than the Belgian Government could exert in its favour, and as it would be in direct opposition to the principle advanced by Mr Monroe, which it is the duty of every American to sustain, I have judged proper, to bring it under your immediate notice.

Very Respectfully [etc.].

1240

Jesús de la Rocha, Minister of Foreign Affairs of Nicaragua, to John Bozman Kerr, United States Chargé d'Affaires in Nicaragua[2]

[TRANSLATION]

MANAGUA, *April 5, 1853.*

I had the honor to receive and bring to the attention of the Supreme Director General the despatch of Your Lordship dated the first instant,[3] in which you urge a reply to your previous communications relative to the withdrawal of the Minister Plenipotentiary of Nicaragua, Don José de Marcoleta, requested by the Honorable President of the United States; and in consequence thereof, I have been advised to inform Your Lordship in reply: that the reason Your Lordship's despatch of March 8[4] last has not been answered is that the Government wished to make a definitive answer in the light of the decision which might be reached in the matter by the Legislative Chamber, to whose attention it had been referred, and to which was sent in turn your last letter urging prompt action on the part of that body; up to the present date no agreement has been reached upon this matter.

In making the present acknowledgment to Your Lordship, I have the honor to state that the Director General intends to employ Señor Marcoleta upon another imporant mission, should the present administration of the

[1] Not included in this publication. Its important contents are here revealed.

[2] Despatches, Nicaragua, vol. 1, enclosed with Kerr to the Secretary of State, No. 19, below, this part, doc. 1242.

[3] Not included in this publication.

[4] Above, this part, doc. 1235.

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to Jesús de la Rocha, Minister of Foreign Affairs of Nicaragua [1]

MANAGUA, *April 6, 1853.*

The undersigned, Chargé d'Affaires of the United States of America, acknowledges the receipt of the note of last Evening[2] from the Honorable, the Minister of Foreign Relations, giving some explanation for the delay in replying to his official communication of the 5th ultº,[3] in which a day had been specified for a definite answer to a request from the Government of the United States.

The subject of the appointment of a person, in place of Mr Marcoleta, seemed, for several months to have become a sort of juggle of State, and now, when the Supreme Director has resumed a just control over it, the undersigned is at a loss to understand the object of making known to him the purpose of employing Mr Marcoleta on some other important mission, should the President of the United States in view of the positive action of his distinguished & patriotic Predecessor, be disinclined to renew a correspondence with Nicaragua through this gentleman. It is the unnecessary blazon of a fact, in which neither the undersigned nor the Government, represented by him, has the least possible concern. All that the United States Government, benevolently inclined, without any special favorite, to promote the interests of the States of Central America, has asked, is the withdrawing of Mr Marcoleta, and, in case Nicaragua prefers to maintain friendly relations, the substitution of some other Minister.

The Honorable Mr Rocha has been pleased to inform the undersigned, that his last communication of the 1st instt[4] has been sent to the Legislative Chambers; but there can be no longer need for hesitation on his part since the note of last Evening. Leaving the responsibility of this abruption of the diplomatic relations with Nicaragua, on her refusal of a request, reconcileable in all respects to Courtesy and justice, the undersigned asks passports for himself, wife, children & servants, and if the occasion should require it, when he is prepared to leave, a letter of safe-conduct.

[1] Despatches, Nicaragua, vol. 1, enclosed with Kerr to the Secretary of State, No. 19, below, this part, doc. 1242.

[2] Above, this part, doc. 1240.

[3] Apparently an incorrect reference to the note of March 8, 1853, above, this part, doc. 1235.

[4] Not included in this publication. For its purport, see the first sentence of Rocha's note to Kerr, of April 5, 1853, above, this part, doc. 1240.

more to his satisfaction, after a residence of two years in Nicaragua, to have asked an audience of leave at some time convenient to the Honorable Mr Rocha, when he might have expressed to His Excellency, the Supreme Director, his best wishes for the general progress of the Country and the success of its actual administration.

The undersigned forbears to press upon the attention of the Honorable Mr Rocha and of the Government of Nicaragua many important questions, involving the personal rights and property of his Countrymen here. These will be left to the parental oversight of the Government of the United States, ever ready to cherish and guard the enterprise of American Citizens every where.

The undersigned [etc.].

1242

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACT]

No. 19 LEÓN, NICARAGUA, *April 8, 1853.*

SIR: It was impossible to disabuse the Government of Nicaragua of the idea, that Mr Marcoleta, under new credentials, would be received again, and on the 6th Inst,[2] as it will be seen in the accompanying correspondence with the Minister of the Foreign Relations at Managua, I made a demand for passports. This was not exactly what the members of the government appeared to have anticipated, as they had hoped to temporize with me, and thus to escape from the necessity of any decided answer, till advices could be received from the late Minister at Washington. There was characteristic unfairness towards me in professing to have referred this matter to the Legislative Chambers, when Mr Marcoleta had probably had long since his instructions to present himself at Washington under a new commmission.

This reference of the subject to the Legislative Chambers was a mere subterfuge, as their organization precludes the possibility of independent action. The Senate of Nicaragua consists of eight members, and the House of Representatives of ten only. In case of a refractory demonstration in any quarter the Executive names the person for some official post, & thus either body is rid of his presence. The seat, by the very act, is vacated, & it is not in the power of the one named to decline. It is as well to understand this in view of gross exaggerations sometimes set afloat at home by very enthusiastic gentlemen who profess to refer to high-toned public sentiment in Nicaragua. No such thing, in our sense of the term, exists, & before it could well find

[1] Despatches, Nicaragua, vol. 1. Received May 13.

on a mere question of local jealousy between Leon & Granada. After all the professions, in regard to Mr Marcoleta, it would not surprise me to see him superseded by Mr Castellon, a pestilent person just now for the dominant faction, & whose appearance at Leon, even under the judicial ermine, is suggestive of some revolutionary movement. Mr Castellon was the favorite candidate of Leon at the recent election, & Gen[l] Chamorro, who took his oath of office on the 1st inst, would be pleased to have him somewhere over the seas.

This same gentleman was named President of a provisional government for the three States under a bulletin from the Convention at Teguzigalpa in Honduras some months back; but like Genl Cabañas, actual President of Honduras, he saw nothing tempting in the offer. It is much more to the purpose of certain persons to use the question of Nationality for selfish and revolutionary objects than to give it an honest and hearty support. The Convention has adjourned recently with no result whatever, and since the withdrawal of the British Chargé, Mr Chatfield, the politicians are in a sad dilemma, as they can raise up no bugbear of English influence, behind which they can hide, as heretofore, their own malversation.

Salvador has by a decree, within the past ten days, denounced this assemblage at Teguzigalpa and rejected for the present all thought of being linked with Nicaragua & Honduras, liable, as these States are at any moment, to turbulence and outbreak. It would be difficult to convey to the Department an adequate idea of the low estimate, placed by the other portions of Central America, upon Nicaragua. I am well convinced, that the mode, heretofore pursued by the Government of the United States in accrediting a Chargé d'Affaires to Guatemala, with special instructions in regard to the other States, would comport better with our interests. It would help to keep alive the sentiment of Union, truly National, as embodied upon their coin by five volcanoes with the bow of promise. Sooner or later this union will be established on a firm basis; but it must be the result of calm conviction. No foreign interference can either create it at once or mar it eventually.

All over Central America an expression of opinion, ever so modest & considerate, from a foreigner would now be received with distrust. This feeling is a natural one among these people; but since they have commenced to realize our acquisitions from Mexico on this coast, it has been greatly aggravated. Besides such extravagant ideas are ripe in regard to designs on Cuba, that in every American from the North their fancy conjures up a future master of the soil. The feverish apprehension is fed on every occasion by injudicious persons, partly in a sportive mood, highly reprehensible in view of the foreign capital here; while it is greatly urged by others, again, in sober seriousness, as an imminent result.

John Bozman Kerr, United States Chargé d'Affaires in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

No. 21 LEÓN, NICARAGUA, *May 31, 1853.*

SIR: Having closed my relations with Nicaragua, under instructions from the State Department, by a demand for passports,[2] the Government here professes to regard it, as a harsh & unnecessary measure. I carried forbearance to the furthest verge of the discretion, vested in me; & they would still insist, it is of my mere notion. In direct correspondence with irresponsible persons, as openly avowed in the official Gazette some time back, it was a settled purpose to refuse the request for Mr Marcoleta's recall made on the 1st of September last, & more recently, when the Supreme Director expressed his intention to transfer him to some other post of a delicate & responsible nature, in case he were not received again, there was an evident disregard of comity towards the government of the United States. It was a matter of their own, & the announcement, in advance, made it savour of offence. The right to make such a request without entering into details & arguments was too apparent to be denied after the first note, & it appears to have been conceded by Genl Chamorro.[3] . . .

Tomorrow I leave this City with friendly expressions of regret on the part of the inhabitants after having been called to act in times of great excitement, when two provisional Governments claimed power within the State. . . .

Your obedient servant.

1244

Henry Savage, in charge of the Legation of the United States in Guatemala, to William L. Marcy, Secretary of State of the United States [4]

[EXTRACT]

No. 14 GUATEMALA CITY, *May 31, 1853.*

. . . A solicitous care is entertained by the rulers of Guatemala, at the progress of the United States, their fears lead them into the most absurd anticipations of danger, their precaution evinces a desire to preclude all chances of contact with the American people. A proposal has been made to

[1] Despatc[illegible] Nicarag[illegible] vol. 1. Received June 28.

[2] See his [illegible] of Apr[illegible] 1853, and his despatch of April 8, 1853, above, this part, docs. 1241 and [illegible]

[3] Th[illegible] portio[illegible] this despatch discuss matters, not pertinent to this publication.

[4] D[illegible] Guate[illegible] vol. 3. Received July 9.

Steam communication between Ystapa and Panama, connecting all the States in Central America, but was rejected by this Government, notwithstanding that the contract has been effected with Costa Rica and San Salvador: the rulers, it is alleged, not being desirous, that the country should progress too rapidly, but remain stationary, for the present, which is the only state, apposite to its circumstances.

Another proposal has also recently been made, on behalf of a company to be organized in New Orleans, which has for its object, to connect the Pacific and Atlantic Oceans, by means of a plank or rail road, from Ystapa to Ysabal, via the City of Guatemala, but the present rulers, to all such projects are averse, and will not yield assent to a contract of this nature, especially with North Americans;—they are aware[1] that the North Americans will come and take their country, but they will not extend a helping hand to the subjugators of their Native land; pleading as an excuse, that when the country, becomes densely peopled, then will such requirements be achieved.

Very respectfully [etc.].

1245

Felipe Molina, Costa Rican Minister to the United States, to A. Dudley Mann, Assistant Secretary of State of the United States[2]

NEW YORK, *August, 11, 1853.*

MY DEAR SIR: I hasten to apologize for having troubled you yesterday without necessity, forgetting that coffee is duty free.

When I left Washington, it was for a few days only; but unforseen engagements have kept me here; and I have remained, on the reliance that if wanted at the Department, you would let me know.

Have you anything new to tell me about Central American affairs? I have heard that you intend throwing Costa Rica over board and adjusting the difficulties in regard to San Juan, irrespective of our claims. But I cannot persuade myself that this is true. I shall be very obliged for any information that you may feel at liberty to afford me, consistently with duty.

With very high regard, I am [etc.].

[1] This is unquestionably the word in the original from which this despatch was copied. It seems strange that he would use this word. Apparently "afraid" would have conveyed his meaning.

[2] Notes from Central America, vol. 1. No receipt date appears on the file copy.

No. 3 SAN JUAN, NICARAGUA, *August 28, 1853.*

SIR: I arrived at this place yesterday afternoon at half past four O'clock. From Pensacola, on the 27th ulto, I briefly acknowledged your despatch (my instructions) No. 3, of June 17th,[2] which, by hand of Mr. Beelen, I had had the honor to receive at Mobile—

As there are a few points in that despatch upon which I beg leave to remark, I will, for convenience, refer to them by numbering the paragraphs in which they are found—

In paragraphs Nos. 3, 4, 5, & 6, you discuss, briefly, the Treaty with Great Britain, of April 19th, 1850, in relation to Central America. In my opinion as sustained at the time by my vote in the Senate, and since expressed, both in the Senate & to yourself, that Treaty was a grave and unfortunate error, on the part of the United States, even supposing we derived from it all the advantages claimed by Mr. Clayton; for, not only was it, in its conception, progress, and stipulations, an abandonment of a most important and long cherished principle of American foreign policy; but it seemed to me, then, as it seems still more clearly now, that little of the forecast of a statesman was required to discern in that stipulation which excludes *us*, as well as Great Britain, for all time, from Central America, either the pernicious germ of bad faith in its observance, or of necessity for the open and formal abrogation of it, which a few years, at farthest, must develope. Besides, it is equivocal in its terms—more so, I think, than any diplomatic paper I have ever examined—bad, in that respect, to unsophisticated minds, as such papers usually are, *settling* nothing; but leaving everything to *construction;* and placing that construction at the very head of "the glorious uncertainties of the law," by the most (it must be hoped not designedly) undiscriminating use, as convertible terms, of geographical and political designations of boundary, widely different in meaning, the most remarkable, I really believe, to be found upon any record.—

So much, in my opinion, is the best that could, even in anticipation, be said of this Treaty. But, from our later and present point of view—that is, of the *possibility* of "yielding to the construction given to it by the British Government,"—as indicated by Lord Clarendon, and the Queen's Advocate, whose communication you have sent me,—I not only agree with you that "*very few* of the objects which constituted our inducement to enter into that compact, have been obtained"; but I am wholly unable to discover that we have obtained any object whatever, which is, or can be, at all useful or desirable to us.—

[1] Despatches, Nicaragua, vol. 1. Received September 12.
[2] Above, this volume, pt. 1, doc. 1030.

thing like certainty, what construction the British Government would give to this Treaty, I was, yet, unable to anticipate anything but trouble, as well between Great Britain and ourselves, as in establishing, on a desirable basis, our relations with the Central American States, from the attempt to observe its stipulations in good faith. I indulged the hope, therefore, not unmixed with anxiety, I confess, that the interview with Mr. Crampton, which you informed me you expected to have in a few days, would result in an understanding, between the two governments, that the Treaty should, at the earliest practicable day, be abrogated. And now, that the construction of the British government, such as I understand it to have been made known to ours, through the communications of Lord Clarendon and the Queen's Advocate, already alluded to, is known, that which was my hope before, is now little less than conviction that such an understanding is unavoidable —that the Treaty must be abrogated. For, while *we* cannot, without a total abandonment of a main principle of our foreign policy, to which almost every preceding Administration, and the present especially, has emphatically pledged our government, yield a hair's breadth to the British construction of the Treaty; the alternative is forced upon Great Britain of maintaining her possessions, Bay Island Colony, Mosquito Protectorate, "Greytown" Municipality, and all, in their integrity, by force of arms, or of "backing out", unconditionally, from every material position she has assumed.—

What I have said, or shall say, upon this important question, with the settlement of which I have not been charged, and even to the discussion of which I have not been invited, will, I trust, not be regarded as an unnecessary boldness, nor as an unwarrantable obtrusion of my own views upon the Counsels of the President or yourself. For, although in the performance of the circumscribed duties of my mission, I may not have, directly, to determine any material point involved in this main question; yet, as British claims and influence, undoubtedly, constitute the principal, if not the only, complications in the negociations with which I *am* specifically charged, in Central America, which are likely to prove serious or embarrassing, it is, indirectly, of much importance, if not indispensable, that I should be prepared, at least so far as the principle of action is concerned, to meet such contingencies as those complications may probably, or even possibly, give rise to.

There is, of course, no quarter in which I can legitimately seek, nor from which I can properly receive, the means of such preparation, save the views of the Executive, by whose Authority I am to act, and whose policy I am to carry out. So, I have resorted to an expression of my own views, as the mode which seemed best adapted to elicit those of the Executive, in a form

in this matter"—the construction of the Treaty.—I am not at all unaware that, no matter what may be his own views, the Executive, alone, is not competent to abrogate a Treaty, nor to authorize me to disregard its provisions. But, to be in possession of his views, and satisfied, as I am, of the influence they must have, in this regard, when made known to the next Congress, whose meeting is so near at hand, would leave me with a clearer path, and a freer hand, in such arrangements as I might find it necessary to make, *preliminary* to any material movement; while, in the light thus afforded, the latter might, with advantage, and without impropriety, be withheld from consummation, until the Congress should have had time to respond to the Executive's recommendation.—

To any *a priori* doubt, or disregard, of the difficulties I have anticipated, and would provide against, I think a sufficient answer may be found, which may serve, also, as an instructive suggestion, in the fact mentioned in your 18th paragraph, that the Treaty with Nicaragua, of 3d September 1849, has not been ratified by our own Senate, *because* the 35th Article, relative to the Canal, was considered at variance with the Treaty with Great Britain, of April 19th 1850! Apart from the extraordinary concession, thus made to one government, — a *transatlantic* one, that a *subsequent* convention, not to our advantage, with her, should override, & cause the rejection of, a *prior* convention, greatly to our advantage, with another government—*an American State*,—and that, too, in the face of the long cherished, and often proclaimed, policy of the United States, that the relations among American States should be regarded and settled as American questions, exclusive of any transatlantic voice or influence,—we are here presented with a remarkable, and to my mind a most humiliating, spectacle—*the policy of Great Britain forced upon us, in contempt of a cherished principle of our own, and her will permitted, against our interests, not to modify merely, but, absolutely, to determine, our relations with another American State!* If such be the first fruits of our concession to Great Britain of a voice equal with ours, and a partnership with ourselves, in establishing our own footing in Central America, what are we to expect of it, when, carrying out her traditional & uniform policy, she shall appeal to it, as a precedent, for any claims she may choose to set up in future? We must be hard, indeed, to convince, if we have to seek far for an answer—farther, at least, than her present construction of the unfortunate Treaty itself; and deaf, it seems to me, to the voice of reason and of interest, if we can postpone to a distant day the work which recent experience thunders in our ears, as a remedy for the past, so far as injuries such as these are remediable, and, at any rate, as security for the future. To my mind, our concession in this case, furnishes to Great Britain, certainly as she interprets it, a broader [illegible]

ancient or modern, that, with her, "the prescription of today, becomes the precedent of tomorrow"; and I have yet to learn that she has ever forgotten or failed to avail herself of any advantage which could, by possibility, be claimed from it.—

In this connection, and with the same general view, I beg leave to recall your attention to your 8th paragraph, in which you refer to the propositions submitted, jointly, by Mr. Webster and Sir Henry Bulwer, to Costa Rica & Nicaragua, for the settlement of the boundary disputes between those two States. As we are well informed, although Costa Rica accepted those propositions, it was with a reluctance scarcely less than that which caused Nicaragua to reject them. The determining cause of the opposite results in the two cases, was, probably, the influence Great Britain was then supposed to exercise in the former State; and the strong aversion to her, and a distrust of kind offers at her hands, in the latter, naturally arising from those injuries and insults she has so long and previously suffered, in the form of spoliated territory, repudiated sovereignty, and the most degrading personal chastisement inflicted upon her citizens, all from the same British hand; for which, while a passing commercial interest, alone, as the motive, the power of the strong over the weak is the sole excuse. Be this all, however, as it may, though not unworthy of serious consideration, the propositions themselves, having been rejected, are, I suppose, no longer the subject of a pending negociation; and any steps, for having them before the two States for consideration, would constitute a proceeding *de novo*. And, here, a question arises, to my mind a serious one, and for an answer to which I am in indispensable need of your special and explicit instructions.— In submitting the same, or similar, propositions to Costa Rica and Nicaragua, is it your wish and view that this shall be done, as before, as the joint offering of the United States and Great Britain, or as coming, now, from *us alone?* If as the latter, then I should have no difficulty; for I, alone, as the representative of the United States, would be competent to act. But, if as the former, then, as there is no British Minister in Central America, and as I could not act alone, the proceeding would have to emanate from some other source, perhaps from Washington, again. As to these propositions, themselves, viewed by me, dispassionately, though necessarily in ignorance of their whole scope and bearing, they seem to me to constitute an equitable settlement of a dispute which has long been not only profitless, but vexatious, alike, to the immediate parties to it, and to other States, our own among them; and, as such, apart from instructions to do so, I should be much pleased to be instrumental

in inducing their acceptance of both. The satisfaction I should have in effecting such a result, however, would, as you have doubtless inferred from the preceeding, be seriously diminished, if not wholly destroyed, should it be required of me to do so, either in conjunction with a British representative in Central America, or as the agent of a British American commission sitting at Washington or London. Indeed, I regard the principle of excluding all agencies not American from intermeddling, either for settlement, or agitation, in American questions, as so important, if not actually vital, that I am unable to discover any thing like an equivalent for it, in any advantages, present or prospective, either to Central America, or ourselves, to be derived from this settlement of boundaries, desirable as I admit this to be; and, assuredly, nothing whatever, in any quarter, or of any character, to warrant or permit, on our part, any farther disregard or abandonment of such a principle, than that which, in contrast with our professions, may, however humiliating the confession, be truly said to disgrace, already, the annals of our diplomacy. In what light the two States, in question, now regard those propositions, or how far time for reflection, and prolonged experience of the evils of unsettled boundaries, may have inclined the one to reiterate its acceptance, or the other to reverse its rejection, I am, of course, unable to speak with confidence. But, I am aware of no ground for supposing that Costa Rica would, now, be more exacting, or less desirous of an amicable settlement, than before. On the contrary, I have received such assurances from her Minister at Washington as induce me to believe that what was then a reluctant assent, would, if now met by Nicaragua in any thing like a corresponding spirit, be given as a cordial acquiescence. And, as I have, all along, been of opinion that the main obstacles in the way of acceptance by Nicaragua, were the natural aversion and distrust with which Great Britain had inspired her, thus tainting with offence whatever might come from such a source, however fair its seeming, I am not without hope, nor altogether without other reasons for believing, that the same, or similar, propositions, now submitted *by the United States, alone*, and sustained by such additional reasons as time has developed, would induce her, also, to accept. The high character given to me, of the present Supreme Director of Nicaragua, and the gratification expressed at his election, by Mr. Molina, gave me good hopes that a better understanding, and kinder feelings, had already sprung up, and would gather strength, between their two States. This, should it prove true, would, of course, greatly facilitate the success of the propositions.—

In the hope that your own views will not materially differ from those I have expressed, I await your farther instructions; not failing, in the mean time, to avail myself of every means and opportunity to obtain reliable

nized by us in Central America; for, really, I cannot help regarding it as a question paramount to, & taking precedence of, every other, at present, in establishing our own relations with the States of that Isthmus.—

The general object and very basis of my mission, particularly as referred to in your 15th paragraph, fully warrants, it seems to me, the practical views I have suggested. Regarding the whole as an American question, looking to the completion of an American circle of States, for reciprocal benefits & mutual protection, & inculcating a wholesome jealousy of foreign interference, you say: "This association of the American States, looking to their mutual welfare and repelling the meddling interference of the governments of another Continent, may not inappropriately be denominated the *American policy*. The advantages of being included within such an association, when presented to the people of the Central American States, cannot fail to be appreciated by them." Approaching these States with the propositions here embodied, and sustained by the arguments in their favor, which are so naturally and abundantly suggested by their mere announcement, I should have the very best and highest hopes of seeing them accepted, not only with readiness but with cordiality and enthusiasm; that is if the propositions should have a fair field for appreciation, in their true character & import, and I be disembarrassed of all circumstances which might argue inconsistency on the part of the authority by which I acted. But how would these propositions read under the shadow of a British flag? and that flag not only tolerated but invited to be present by their author! And what answer could I give when asked how Great Britain came into this Council for the formation of an "association of American States" and the adoption of "the American policy"? To neither Honduras nor Nicaragua, especially, (both of whom have long suffered & are still suffering spoliation and insult at the hands of Great Britain) could the propositions be made to seem what we really mean by them? So, both of those States might, with no little show of reason, retire, bitterly exclaiming: "This is not the entertainment to which we were invited!" And the three other States, though not so deeply or directly aggrieved, could hardly fail to follow their example—certainly not, if they have sympathy enough with them for the proposed association.—

This cannot, I think, be considered as giving exaggerated prominence or importance to the position of Great Britain in Central American affairs, even as conceded, if not invited, by our own government, within the last few years. If so, what means our Treaty with her of April 19, 1850? What means our refusal to ratify a *prior* Treaty with Nicaragua, *because* it was in seeming conflict with this? What means our association with Great Britain in the task of adjusting that most delicate of all questions, a bound-

and influence on the American Continent—or with the true purpose of my mission, to form an "association of American States", and the adoption of "the American policy"? How shall this inconsistency be avoided? How shall my mission be made free to accomplish its true objects, so important to American interests, which can be regarded as truly protected & secure in their progress towards full development, only when "the American policy" shall have boldly asserted, and fully maintained, its supremacy on the American Continent? I am convinced that none of this can be, until Great Britain shall, indeed, be entirely excluded from Central America a consummation which Mr. Clayton claimed, and General Taylor, doubtless, believed, to have been the achievement of the Treaty of April 19, 1850. Whether, now, as a practical measure, such "a consummation so devoutly to be wished" can be better attained under the Treaty, by enforcing Mr. Clayton's construction of it, by arms if necessary, or, without it, by its speedy and formal abrogation, coupled with utter and practical repudiation of all British pretensions, thereafter, is a question for the Executive and Congress to determine. In my own opinion, as already expressed, abrogation, as it will be the simpler and more manly and direct, so will it prove, in the end, the more peaceful & effective.—

In conclusion, I repeat that this expression of my own opinions, has been intended, solely, to shew the Executive wherein I most need instruction, and, thereby, elicit it in such form, & with such explicitness, as may prove most useful to myself, & efficient in promoting the interest of our common country. And in this motive, I trust, both its freedom and length will find some excuse, at least, if not intire justification.

I have the honor [etc.].

1247

Solon Borland, United States Minister to Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACT]

No. 4 SAN JUAN, NICARAGUA, *August 29, 1853.*

SIR: . . . I find Mr. Fabens, our new Commercial Agent, established here, and have had several interviews with him, in relation to the state of affairs and of feeling at this place. He informs me that the idea of maintaining any form of government here, either independent, or in the name of the Mosquito King, is now abandoned: and that, alike, by those who have, heretofore, played at the farce of government, here, and of the British Vice Consul, under whose supervision the various [illegible]

at the mast head of his boat. Heretofore, I am informed, he has, invariably and with some ostentation, used the Mosquito flag. We had some conversation; but he alluded neither to his official position, nor in any way to the government question. I saw, yesterday, the Marshal of the Municipality, a very black Jamaica Negro, who, somewhat humourously, alluded to the government and his own official position; saying that he was, now, all that remained of the municipality of "Grey Town"; and that, as his only purpose, at any time, had been to earn a subsistence, he was ready, now, to enlist under any government which would pay him. Upon the whole, after having seen the town and its inhabitants, and learned their condition and character, I should really be only amused at what has taken place here, were it not that it has been made to play so conspicuous a part in the diplomatic and other transactions of our government, and its employés; at the same time that I am not wholly free from mortification, on my own account, at having been led to attach so much importance to an object so really insignificant. . . .

I have the honor to be, with high respect [etc.].

1248

Solon Borland, United States Minister to Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

No. 5 MANAGUA, NICARAGUA, *September 20, 1853.*

SIR: . . . My address to the Director,[2] if time can be given for its perusal, will, I trust, be found to represent fairly, though feebly, the views of the

[1] Despatches, Nicaragua, vol. 1. Received October 11.

The omitted portions of this despatch told of his trip from San Juan, his arrival at Managua, the preliminary arrangements for his reception, the Director's friendship for the United States, and other matters not pertinent to this publication.

[2] Because of the unusual character of this address, the important part of it is, contrary to practice, copied below:

[EXTRACT]

Mr. Supreme Director of the Republic of Nicaragua:

. . .

. . . The principle, of which I am speaking, has been long since embodied and particularly set forth, in the United States, in a political formula, familiarly known there,

President. Of its length, and the number and character of the subjects it discusses, in each of which particulars it may be unusual and undiplomatic, I have only to say, that the circumstances of the time, of the place, and of the people, made it desirable, if not indispensable, just as it is, in order to cor-

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and of some celebrity in other parts of the world, as "*the Monroe doctrine*"; so called, from the distinguished patriot, President from 1816 to 1825, who first enunciated it in distinct terms, and gave it the *imprimatur* of his high official sanction.

As this doctrine, so familiar in name and so important in principle, has, to some extent and in some places, been both misunderstood and misrepresented, permit me the use of a few words, for what I understand, and feel authorized to declare, its true meaning to be. The first official announcement of this doctrine was made at a time, when there was reason to believe that the Monarchies of Europe, chagrined and alarmed at the progress which republican government, of which the United States had set the first example, was making upon the American Continent, and at the influence it was likely to exert upon the affairs of the world at large, had formed an alliance among themselves, and intended to use their combined power, for the purpose of reintroducing *their system of government*, here; and, as a first step, to reconquer and restore to the crowns who had lost them, what had been provinces, colonies, and vice-royalties, but were, then, Republican States, who had thrown off the foreign yoke, and established their independence. This purpose had more immediate and direct reference to the, then recent and heavy, losses, in this respect, which Spain had sustained, and of which *you* were part; and, had it been accomplished, you would have been brought again, and probably now be groaning, under the yoke of Spanish tyranny. As the oldest, largest, and most powerful, of the American family of Republics, the United States, seeing the danger, felt it to be her duty and her right to stand forth, in the name and behalf of free principles, for the protection of the American Continent against the, then meditated, reintroduction of the European system of government. What may then have been the precise effect of the position, thus, assumed by the United States, upon this purpose of the Monarchical Alliance, I do not undertake, at this time, to say; but, certain it is that no active or organized effort was ever afterwards made, to execute it; and the whole scheme, from whatever cause, proved abortive, and was abandoned.

Such as I have stated as the position assumed by the United States on this occasion was only one part of the declaration of President Monroe in his message to the Congress. He went farther; for, as he said himself, his object was not merely to meet the exigencies of the particular occasion, and defend against a present and pressing evil; but, he deemed it important to announce a *principal* [*sic*], and establish upon it a rule of action, for all time to come, whereby we should be made safe and secure, in the enjoyment of our heritage of independence and freedom, against any European aggression or interference. This he did, by declaring, in addition, that, from that time, the American Continent was not to be subject to colonization, or Governmental occupation, by any European power; and that should any attempt be made to violate this principle, the United States would regard it as an act dangerous to her own welfare, and treat it accordingly. These two were the declarations of the President, on this subject; and, in substance, as I have briefly stated them, make up "*the Monroe doctrine*". And, although no formal response to this was made, by the Legislative Department of the government, as no immediate occasion required a response in words, it was, nevertheless, received as the true doctrine of the country, and everywhere adopted by the People; commended, as it was, to their hearts by its bold and generous spirit, and to their judgements by its patriotic forecast and practical wisdom. This is still the doctrine of the United States; it is still dear to the hearts of our People—perhaps dearer now, than at any former period, and regarded by them as of more immediate interest. And they have recently inaugurated a Chief Magistrate who, not only entertains the same opinions and feelings with them, but is pledged to their assertion and support; and those high qualities of head and heart, for which he is distinguished, afford perfect assurance, at home and abroad, that every pledge will be redeemed, in letter and in spirit, by deeds as well as words. In the appropriate language of your honorable Secretary of Foreign Relations, such a President and his Administration are "eminently American." Their deeds, in harmony with their doctrines, shall prove them to be so. Dr. Lardner's work, on Steam Navigation,

to protect and promote; and that you recognize and feel, in its true spirit, the strong sympathy which should make us friends and brothers, of the same great family of American republics; I claim to see a common pathway open before us, upon which we shall march together, onward and upward, in the generous career of national prosperity for our countries, and individual happiness for our people!

One more word, about the aggressions of the monarchies of Europe upon the American Continent, and their interference in the affairs of American Republics. So far as encroachments by force are concerned, I feel assured that, in view of "the Monroe doctrine", as recently reasserted by the United States, and as we certainly, now, mean to enforce it, there is little or no danger to be apprehended—none whatever, I may confidently assert, if you and our other sister Republics shall concur and cooperate with us, as we trust you will. But, there are other forms of encroachment and interference, besides forcible aggression upon your territory, contemptuous repudiation of your sovereignty, ruthless spoliation of your rights, or barbarous outrage upon the persons of your citizens. Those other forms are hypocritical professions of friendship, deceptive offers of assistance & advice, and malicious misrepresentations of the intentions of your neighbors and natural friends. The others failing, as fail they must, against a power which can repel and crush them, there is reason to believe that these last will be tried—indeed, that, to some extent, they have, already, been attempted. It is against arts like these that I feel authorized, and in duty bound, in justice alike to your country and my own, to caution and warn you. What reliance shall a Republic have upon professions of friendship from a Monarchy? As between individual men, there may be confidence and ties of friendship between people living, respectively, under a Monarchy and a Republic. But, I speak of them as political organizations—as governments—each founded upon principles antagonistical to the other—each holding its own form to be best—each knowing and feeling that the very existence, much more the prosperity, of the other is, to itself, a reproach and an injury. As such, there can be no common interest, no sympathy, between them. They are natural enemies; and it is beyond the power of diplomacy to make them otherwise. All profession to the contrary, come whence it may, is deceptive; all agreement to be otherwise is a "hollow truce." You and I, Sir, both well know, from the dealings our governments have had with European Monarchies, the bitter truth of all I have said. When they come to us, then, leaving, as they have now begun to do, their arms behind, with professions of friendship, and with offers of assistance, and advice (all for our good!) let us not merely recall to mind, but act upon, the warning of the Trojan Prophetess, when the wily Greeks sought by unworthy strategem, what they had been unable to achieve by valor and by force: "*Timeo Danaos et dona ferentes*"! That warning was unheeded, and Troy was lost. Shall we be wise, in our day, to disregard a similar one, when so assailed? Let the future answer.

But you have, doubtless, been told that "the United States are a grasping people", with an unholy desire to appropriate the territory of other nations, to our own use! For, these are the terms by which our European enemies have characterized us, whenever, for the interests and protection of republican principles, we have, happily, succeeded in thwarting any of their deep laid schemes of Monarchical aggrandizement.

We are not in the habit of vindicating ourselves, by words; conscious of rectitude, content to let our deeds defend us. And, I know not whether my government would approve my departing from the rule. But, in order to a more proper understanding of our real purposes, and to repel a slander that may have done us prejudice, I pronounce the allegation to be false. And I appeal to you, Sir, who are not unacquainted with our history, if there be any act of ours, and all our acts are publicly recorded, to justify such a charge against us! All the facts connected with every acquisition of territory we have ever made, is open to the world, and well known. What are they? Our first acquisition was in 1803, when, comparatively a small and feeble nation, we purchased Louisiana from France, then, perhaps, the most powerful. Mark! We purchased, and paid for it all that France demanded. We took not one inch of it by force. It came to us, by the free will of its owner, for a valuable consideration, and with the free will, also, of its inhabitants. It was necessary, as you know, for our outlet to the Ocean. The next was in 1819, when we purchased Florida, from Spain. No force was used in that case. It

my presentation, although treated with civility, I not only heard from reliable sources, but found from other mute, but ever significant, signs, that suspicions were entertained, alike by the government and the people, of the good faith and intentions of our government, and much prejudice and ill

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was a fair business transaction, and all—vendor, inhabitants, and purchaser, were satisfied. It was worth nothing to any other nation, and we paid for it certainly its full value, $5,000,000. Next came the annexation of Texas, in 1845. There was surely no force used to bring that about; nor was it a purchase. It was the voluntary union of two contiguous Republics, who believed their mutual welfare would, thereby, be promoted. Happily, the result has justified the expectation. But even this was not done in haste, nor with a grasping hand, by the United States; for Texas, herself, had, several years before, proposed it. But when, in our estimation, the time was appropriate, and there existed no just cause or impediment why the two might not be joined together, the Union was consummated. Then it was, that a European Monarchy, having sought and failed to snatch so rich a prize, from the influence of republicanism, and appropriate it to her own purposes of gain, in the bitterness of her own disappointment and chagrin, charged the United States with rapacity, in making this acquisition. It so happened, Sir, that I stood near the British Minister, in the Senate House at Washington, at the moment of Texan annexation; and I heard him give, what, perhaps, was original utterance to the phrase, which his Countrymen so habitually repeat, in a spirit of reproach, that "*the United States are a grasping people.*" Much must be excused, however, to defeated policy, thwarted avarice, and disappointed ambition! Our fourth, and last, acquisition was the territory we received from Mexico, at the close of our war with her, in 1848. Did this, on our part, show avarice, or a grasping disposition? If so, wherein? We forbore long with Mexico, before we went to war with her. We sought every fair and reasonable means to avoid it. We had liquidated balances due us, on account, which she had long since acknowledged to be due. In the hope of adjusting them satisfactorily, we sent a minister of peace to represent us near her government. Unwisely, she refused to receive him; insultingly she repelled our offers of amicable intercourse; and, without the usual warning, of a declaration of war, invaded our territory, and murdered our citizens on our own soil! Then it was, and not 'til then, when forbearance had ceased to be a virtue, we made war upon her; and, as was certainly allowable in doing so, we not only defended our own, but carried the war into the heart of the enemy's country. Without going into detail, it is enough to say that Mexico was conquered, and lay helpless at our feet. Did we show ourselves a grasping people, then? If it had been our will, the whole territory was ours; and it might have remained so, for all time, and, as I am well assured, with the joyful freewill of a large majority of its inhabitants. But, we demanded no more then—made no harder terms at the close, than we had done at the beginning of the war: "Indemnity for the past and security for the future." But Mexico, yet, owed us large sums of money, and had no means, save territory, to pay us with. She had not even money enough to carry on her government for half a year, if we should restore it to her. What was our course towards her, under these circumstances? Did we demand tribute; and, in default of its payment, manifest our grasping disposition, by retaining all her territory, as we might easily and without reproach have done? Far from it. On the contrary, we forgave her the debt she owed us; and then, purchasing from her, with her free consent, certain distant portions of her territory, which were, not only of no value, but rather a burden to her, at a price which was conceded, by all, to be large, at the time—the amount of $15,000,000, we gave her back her country, and her government, returned her captured arms and munitions of war, retired from her borders, and left her richer and in better condition, every way, than when the war began. The Treaty which ended the war, and made peace between the two countries, was, I do not hesitate to say, far better for Mexico, than for the United States; except in the consciousness it affords that we acted, not with justice only, but with unexampled generosity towards a sister Republic, that should always have been our friend. Was this, in us, avarice of acquisition, or ambition of aggrandizement? If so, I am proud of such reproach as it entails upon my country. . . .

main fact, I could not be mistaken; although, I might not be able, were I to attempt it by means of a written communication, to furnish the particular evidences, or transfer, with full force and distinctness, to your mind, their impressions on my own. I may cite, however, the general failure, on the part of the authorities, to make those formal demonstrations of respect, to which, as a rule, they are so addicted, which, indeed, are regarded as the custom of the country, and which were never before with-held, from any of our representatives, here, although of inferior grade. *Expede Herculem!*

There were causes for this, of course; and, although I have not yet had time or opportunity to investigate them, so as to form a reliable judgement of their character, I think I may, without fear of doing great injustice, mention some of them, even now; reserving what else I may have to say of them, or of others, until I shall be more thoroughly and more reliably informed.

Of these causes, the first seems to have been the course of Mr. Squier, who, while Chargé here, is said to have made extravagant promises, impossible of fullfilment; and, in relation to the failure of which, in order to excuse himself, during his subsequent visit to this country, on private business, he is supposed to have given explanations unfavorable to our Country.

In the next place, the suspension of Mr. Marcoleta's diplomatic functions, and the recall of Mr. Kerr, without explanations of any kind, so as to enable the government, here, to understand whether our dissatisfaction was with her or with her Minister, &c. seem to have excited very unpleasant feelings.

Again, the dispute between this government and the Transit company, which persons in the United States, and certain foreign (American and other) residents in this country, seem interested and active in fomenting, and which has, now, reached a degree of great bitterness, here, seems to have contributed no small share—at least, of prejudice against citizens of the United States.

And then, the course pursued by certain of our citizens, some transient and others resident in the country, in treating both the people and the constituted authorities, here with occasional—even habitual, rudeness and contempt, has done no little mischief.

Such causes as these, though they may be trivial in themselves, & would have far less weight, if any at all, in a country different from this; yet here,

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United States. The soil has been occupied there, and a foreign government instituted over it, not under your laws, but in derogation of them; but none of this has been done by the United States; nor by any one acting under our authority, or with our approval. On the contrary, we have regarded the whole proceeding with disfavor and regret. The only occasions on which we have, in any way, connected ourselves with that proceeding, have been when, finding the rights of *our own citizens*, pursuing their lawful business under *your authority*, about to be sacrificed by the lawless acts of the misguided individuals who defied it, we interposed the arm of our Naval power, to restrain the wrong doer, uphold the law, and preserve the peace. Whenever the flag of Nicaragua shall

jealous of their rights, and proverbially suspicious and excitable, there can be no doubt, that impressions have been made, unfortunate for them, and unfavorable to those who, in good faith with kind feelings, and for legitimate purposes, may desire to have dealings with them.

In addition, still, to these, I discovered indications of another cause, graver in its nature than the foregoing, lying deeper, I fear, than I have yet been able to trace it with certainty, and serving, perhaps, as the ready & fertile soil in which the other and lesser ones take root, and attain a rank and rapid growth. I allude to our Treaty with Great Britain, of April 19, 1850. It is a troublesome question with us; but, as well as I have learned, it is, if possible, even more offensive to this people, than to its most decided opponents (of whom I claim to stand in the front rank) in the United States. It seems to have given form and color to other circumstances, as ground to suspect the good faith of our professions of friendship, and of our support of, what they well understand, and are keenly alive to as, the "Monroe-doctrine." And, as an appendage to this cause, of the same family, and hardly less offensive, the propositions, jointly from Great Britain and the United States, for the settlement of boundaries between this State and Costa Rica, gave rise to much dissatisfaction; while the bitterness of feeling, they naturally aroused, is said to have been still more exacerbated, by the hasty, abrupt, and dictatorial manner, in which the offer was made. This last has been represented to me, as very closely resembling the process, so familiar to most of us in our younger days, of holding the nose, with other kindred appliances, to force physic down the throat of a refractory child.

But, whether I am right or not, in tracing it to its true causes, (of which I shall not claim to be sure, until I have inquired farther), the state of feeling here, which I have described, certainly existed. And, in consequence of it, as you will readily understand, I was placed in a position which, to me, was both delicate and difficult. To one more experienced than myself, it would, perhaps, have been less so. As it was, I had to meet it, at once. My address to the Director, preceded by a conversation, substantially similar, two days before, with the Secretary of Foreign Affairs, exhibits the manner of my doing so. I hope it will not fail, intirely, of the approval of the President. For, while, with a different and less feeble nation, such a course might not have been either necessary or proper, I think it need not be apprehended that, in this instance, under the circumstances, and in view of the peculiar character and condition of this People, that any of the proprieties of our position have been compromised.

If I am not wrong in the foregoing, I have abundant reason to be satisfied with its result, so far. From the time of the delivery of my address, a complete & decided change, in the deportment of the Director & of all others

be placed upon the expressions of satisfaction, even of high gratification, public and private, and upon corresponding attentions, alike from the head of the government, and all others who claim to be distinguished here, my course has served the purpose intended, and enabled me to put the mission on a footing agreeable at present, and favorable to future desirable results. . . .

The feeling of enmity against Great Britain, strong as I expected to find it here, is even stronger and more exasperate than I was prepared for. The mere mention of her name, yesterday, was sufficient to raise almost a whirlwind of passionate denunciation.

This morning, I was invited to the first interview, on business, with the Director. The particular subject was the position of Mr. Marcoleta, at Washington. I was asked whether, if reaccredited from this government, he would be received by ours. This led to a somewhat protracted conversation, which ended in my giving an affirmative answer, as, under the circumstances, my instructions authorized me; and, on my own account, I added that, when my government should be informed of such reasons for it as I should communicate, I thought his reception would be a cordial one. My reasons for this, were these: Mr. Marcoleta, passing me at San Juan, preceeded me to this place by a few days. He was most honorably received by the government, and, very evidently, enjoys its confidence and respect, in an eminent degree. Perhaps, no man in the State, whether native or not, occupies a better or stronger position, in these respects, than he does. In my opinion, no external cause—nothing indeed short of some suicidal act, which he is not likely to commit, can shake him in that position. This government is convinced that he has, already, rendered good service to the State, and is better qualified, than any one else they can employ, to promote the interest of their foreign relations. And what, perhaps, confirms them in this conviction, is the enlistment of their feelings, as well as their supposed interests, in his behalf. As additional evidence of their estimation of him, they propose, now, to send him, not only to the United States, but, also, to France and Rome. Under these circumstances, I did not deem it appropriate to adhere to the letter of my instructions, and preceed the assent of our government to his return, by the suggestion that the appointment of some other person would be more acceptable to us, or might be more useful to them. As he was to return (for I do not believe they would have appointed any one else) it seemed best that no asperity should be thrown in his path, especially

less, to embarrass us very much, here; for, on his account, much [illegible] tion, with us, existed, which he could, easily, have kept up, and increased. On the contrary, however, he has cooperated with me, in inducing the opposite state of feeling, and aided materially, I feel sure, in establishing our present favorable relations. He is pledged, not to me only, but to the Director in my presence, and publicly in speeches, to do all in his power to cement the close friendship of the countries, believing, as he says, that such a course is the most favorable to the interests of Nicaragua. He speaks of leaving here for the United States, between the middle and last of next month.

In further conversation with the Director, at the same interview, he said that he had in hand the question of boundaries with Costa Rica; and, from what I could gather from an outline of his views, they do not, I think, as presenting a practical question to the States, differ widely from those of the propositions, which were submitted jointly by the United States and Great Britain. He seemed pleased, when I told him I was authorized to offer our advice, as friends, in that settlement, and quite willing to receive it, especially when I added that it was in no way from Great Britain, this time, but solely from the United States.

He called my attention, also, to the San Juan and Mosquito questions, and desired my views. I said the same to him, as to you in my No. 4,[1] upon the immediate question of the "Greytown" corporation. He seemed disposed to follow my suggestion, of taking early possession of the place, in the way of which, I am more and more assured, there is now little or no difficulty. But he seems disposed, and I think properly, to connect that measure, as much as practicable, with the boundary question with Costa-Rica; so that, as I suggested to him, when the question is once settled, at all, it may be considered to be finally disposed of. For, if any loop hole be left open, Great Britain, by operating, in some way, upon the feelings of Costa Rica (and her influence is not extinct there), might, still, find some pretext for a foothold—the protectorate of a sovereign State, it might be!—to enable her to foment strife among these impressible people, and find her own interest, in some way known only to her policy, by proving their incompetency to independent government.

For the settlement of the general Indian question, I suggested the views contained in my instructions; and I was gratified to find he concurred in them, substantially; as he will, I trust, be able to carry them out, in practice.

Upon these several subjects, I shall have further conversation with the Director; and, as we proceed in their discussion, I shall advise you of all, that is of interest to our government, which transpires. . . .

I have the honor [etc.].

[1] Above, this part, August 29, 1853, doc. 1247.

Felipe Molina, Costa Rican Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *September 26, 1853.*

The Undersigned Minister of Costa Rica thinks it his duty to trespass once more upon the time of the Honorable Secretary of State, with reference to the long pending negotiation for the adjustment of the differences between Costa Rica and Nicaragua, and of the questions concerning the Mosquitto Coast.

The Government of Costa Rica apprehends that there is a disposition on the part of the American Government to confine the negotiation with Great Britain, that Mr. Buchanan is going to take up again in London, to that part only which regards the Mosquitto Territory and the port of San Juan del Norte; without making any arrangement respecting the conflicting claims of Costa Rica and Nicaragua.

Heretofore the constant policy of this Government has aimed at disposing of all those matters in one general settlement, in order to meet the interests of the several parties concerned; and the Undersigned, with due respect for the reasons that may have suggested a change of views, does not hesitate to say, that in the opinion of his Government, the course formerly pursued, would still be the most consistent with justice.

But should a different one be adopted, and supposing that in consequence of an arrangement with England the port of San Juan should be transferred to Nicaragua, the Government of Costa Rica flatters itself, that such a transfer shall not be made but under certain qualifications, with a view to preserve the claims of Costa Rica to one half of the same port and to the other objects in litigation, unimpaired and unprejudiced.

Since the occupation of San Juan by the Mosquitto, on the 1st of January of 1848,[2] the position of Costa Rica as regards her differences with Nicaragua has become a highly disadvantageous one; owing to the support that the pretensions of the latter Republic have derived from the formation and establishment of the American Company holding the Canal and Transit Charters, and from the opinions expressed in official documents, in favor of Nicaragua, by Mr. Squier, when he was Chargé d'Affaires of the United States in that Country.

Hence it follows that the transfer of San Juan to Nicaragua, if done without any qualifications would no longer be a restoration of the ancient state of things, when the contending parties (Costa Rica and Nicaragua) were both left to their own ressources and titles, each of them unaided by foreign intervention; but that on the contrary, it would operate as the consecration of a

[1] Notes from Central America, vol. 1.

[2] In the penwritten original of this document, this date appears to have been first written,

new state of things decidedly injurious to one of the parties: a result at variance with the avowed policy of this Nation, which professes an equal friendship and impartial regard for each of the contending Republics.

The deferences shown by Costa Rica, on previous occassions, to the advice of the American Government and her readiness to terminate the existing difficulties, by any means in use among civilized nations, are circumstances which the Undersigned trusts, will always be remembered as entitling that country to the regard and kind offices of the United States.

On this reliance, the Undersigned ventures to request that Mr. Marcy will have the goodness of addressing particular instructions, if necessary, to the distinguished Representative of the United States near Her Britannic Majesty.

The Undersigned has the honor [etc.].

1250

Solon Borland, United States Minister to Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

No. 6 MANAGUA, NICARAGUA, *October 8, 1853.*

SIR: . . . The next day (Sept. 27) I was invited to an interview with the Director.

. . . I proposed that we should first consider the terms of a Treaty between the two governments, upon the general basis of those between the United States and some of the other Central American States; in order that we might have a good platform to stand upon, when we should come to the adjustment of other and minor questions. To this the Director readily assented, and proposed, as the best mode for saving time and coming at something definite and precise, that I should prepare the *projet* of a Treaty, such as I would like. This I undertook; and shall do at the earliest practicable day. It cannot be done, however, in time for a copy to accompany this

[1] Despatches, Nicaragua, vol. 1. Received October 28.

The four omitted portions of this despatch cover twenty-five handwritten pages. The first, discusses Borland's request, through the Secretary of Foreign Affairs, for an interview with the Director, and attention is called to the enclosed correspondence thereto. The second, states that, at the interview, Borland was informed that the settlement of the dispute between the Transit Company and the Nicaraguan Government had been referred to him, and that an agreement was then made to postpone discussion on this subject until a later stage of the discourse. The third, reports that, in agreeing to accept the Director's request that he should adjust this dispute, Borland states that if he took any part at all in this question it would be "as the common and equal friend of both the parties and the United

And, in view of what I may be able to accomplish in the proposed Treaty, permit me, again, to refer to the Bulwer-Clayton Treaty, as the anticipated, and now encountered, obstacle in the way of much more which might be done, of a character reciprocally and highly advantageous to us and to this country, and which, surely, I cannot mistake in supposing to be much desired, alike by our President, and by a majority of our people, even larger than the unprecedented one which placed him in power. Nor have I any more reason to doubt that, in the same high quarters, there obtains a corresponding condemnation of the ill-advised and ill-constructed obstacle to the gratification of this patriotic desire. I call it *ill-advised*, because all the advantages claimed from it, on our part, fall far short of its glaring injury to our interests; and *ill-constructed*, because each of its two authors gives it an interpretation diametrically opposed to that of the other, and it is difficult elsewhere, to find any two persons who can agree as to its true meaning; while, indeed, there are more single minds than one, and of high intelligence too, among our own countrymen, who, after careful and candid examination, are unable to arrive at any other conclusion than that, if it have any practical meaning at all, it is *the exclusion, at present and in all time to come, of the United States from every portion of Central America;* Great Britain remaining, the while, in undisturbed possession of territory there, at least half as large as England, Scotland, and Ireland, together, and portions of it most valuable, and commanding for naval and commercial purposes, seized and colonized even since the date of the Treaty!

I know very well that such a construction as this is not, and will not be, admitted by our present Executive or Congress, and would never be sanctioned by our people; but it is equally true, that just this construction, contended for by Great Britain, and opposed by us, presents the point of practical difference between the two governments; and that, until one party or the other take a long and humiliating stride backwards and downwards, or the Treaty be abrogated, this point of difference must remain. With what result it would so remain, we standing still, while Great Britain steadily extends her possessions, and strengthens her position, time, alone, can disclose with certainty; but, surely, no states-man would put his reputation, however high, at much hazard, by predicting, from it, serious and irretrievable injury to a government like ours, the necessity as well as the law of whose very existence, is *rapid enlargement—in this direction.*

Although I may be transcending, in some degree, the legitimate functions of my mission, by repeating, perhaps for the third time, discussions, which

I trust, some allowance will be made, for such a freedom, to one who, while a member of the Senate, thought he foresaw, more than three years ago, this coming evil, and, together with one who is distinguished now, as your colleague in the Cabinet, as he was, then, as a Senator, sought to strangle the monster while yet in embryo; especially so, and that the earnestness with which I press my views upon your notice, will be the more readily excused, since I am here, upon the very theatre where this evil, which I so strenuously strove to prevent, was to play, and is playing, its hurtful part; and where, at every turn, I am forced to see, and at every step to feel, a verification of my apprehensions of its malign influence upon the interests of my country, in the obstacles it constantly opposes to my performance of duties which would, otherwise, be comparatively easy, and could hardly fail to be useful.

The particular application I would make of this general condemnation of the Treaty in question, is to the obstacle I am made so sensibly to feel, and which it opposes to the favorable and desirable terms I could, I think, now obtain, in the proposed Treaty with Nicaragua. This obstacle out of the way, my *projet* would not only embody the provisions of our Treaty with Salvador, which you recommend as a model, but I would embrace in it, also, substantially, the provisions of Mr. Hise's special convention, of June 21, 1849, giving us the exclusive right of way across the Isthmus &c. And from what I now find the sentiments and temper of this government to be, I entertain no doubt that such a proposition would be readily and cordially acceded to. In view of this, when I reflect upon the causes which render me powerless to be the instrument of so much good, and especially upon the influence which pressed those causes into activity, words fail me, or the only true ones would be inadmissible, to express my sense of the extent and depth to which important interests of our country, in this quarter, have been sacrificed—or, at least, injuriously postponed, and put at imminent hazard, by concessions to a power who is our hereditary enemy, and can never be our friend, while her memory lasts, or until she ceases to be our rival. . . .

COSTA RICA

Of the pending controversy between this State and Costa Rica, in respect to boundary, and the outline of the Director's plan of adjustment I spoke in my last despatch,[1] I am enabled, now, to give you something rather more definite, as to the plan, itself, as well as to the steps which have been, so far taken, towards its consummation. Accompanying this, you will receive a Map of Nicaragua, marked (D),[2] upon which the Director has traced, in a

[1] Above, this part, September 20, 1853, doc. 1248.
[2] The accompanying map has been made from a photostatic copy of the "Map of Nica-

y black-dotted line, the boundary he proposes between the two States. ou will observe, this line, beginning, on the east, at the mouth of the rado, extends, up and along the course of that river, to its junction with San Juan; thence, up and along the course of the San Juan, to the mouth e Serapiqui; thence, up and along the course of the Serapiqui, to a point t leagues from its mouth; thence, parallel with, and eight leagues from, southern bank of the San Juan, until it reaches the Rio Frio; thence, down along the course of that river, to the point where it enters the Lake, to-er with the San Juan; thence, along the southern shore of the Lake, until aches a point, in longitude about 85° 10′, west, where it turns a little to outh, to the 11th parallel of north latitude, which it follows to the Pacific, terminates at Elena or Sta Elena Bay.

is line, though restricting Costa Rica to the Colorado, from its mouth s junction with the San Juan, is not intended to exclude her from the ion of the latter from that point, to its mouth; but, its accompanying osition is—the freedom, to Costa Rica, of the river from the mouth of Serapiqui to its own mouth, and of the Port of San Juan del Norte. The er proposition is that, on the remainder of the river, and on the Lake, ate of import duties shall be greatly reduced, probably one half, in favor osta Rica.

comparing the map (which is a copy of Squier's), marked as I have ribed, with that of Mr. Molina, in his pamphlet on this boundary, you be struck with the wide difference, between the claim of Costa Rica, e one hand, and the proposition of Nicaragua, on the other. Considered spect to mere geographical lines, this difference is too great for any nable hope of adjustment. But, other things considered, such as the acter of the disputed territory, which, as I am told here, is almost un-bitable and has no points for ports, on the river or Lake, or, if any at all, as are exceedingly difficult of access from the interior, &c. &c. the differ-in a practical and utilitarian point of view, is, doubtless, very much ced. The large territory of Guanacaste, which has, heretofore, been inent as an object of contention, is, in the far greater part of its extent, ed to Costa Rica; the comparatively small projecting corner, which des Salinas Bay, passing to Nicaragua; and this last, formerly deemed ain feature of its value, is said not to be so highly estimated, now, by r state, since the idea of its becoming the Pacific terminus of the Canal ansit is, in a great measure given up.

w far Costa Rica may be disposed to accept these propositions, I

the existing government here, which feeling I shall omit no occasion to encourage, I have hopes that each will yield much, rather than fail to settle amicably. Costa Rica has been notified of the appointment of the Nicaraguan Commissioners (Mr. D. Chamorro, brother of the Director, & Mr. Tejada), and has expressed her satisfaction with them. They are to meet the Commissioners of Costa Rica, in November, in that State. If they shall be unable to agree readily, they will, doubtless, seek advice, or submit to arbitration. In that case, it is probable that we shall have much to do with the matter; and, if so, I hope it will not be, again, as a partner of Great-Britain. In the mean time, what influence my position & opportunities, here, may enable me to exercise, shall be employed in the best direction.

It may not be known to you, and is a fact of some value in estimating the chances of an amicable settlement of this question, between the two states, that the sectional feeling in this State, between the portion in which *Granada* is the chief Town, and that at the head of which is Leon, that the former has, at times, seriously meditated a separation from the latter, to unite itself with Costa Rica. The present Director resides in Granada, and may be regarded as the head of that section, though he is of general popularity; and I have reason to believe that, knowing and fearing the liability of this country to revolution, &c, and respecting the good example Costa Rica has set, in that particular as well as others, and, desiring the advantages to be derived from such an association, he looks to it, in some degree, as a possible contingency; and, in such a view, would do nothing to put Costa Rica at present disadvantage, or to render a union with her less easy in future. Since these things have come to my knowledge, I think I better understand Mr. Molina's gratification and good hopes, upon the present Director's election.

HONDURAS

When I left Washington, and until a few weeks ago, it was my purpose to visit Costa Rica next, after leaving this State. Information in regard to the condition of Honduras, however, now induces me to think I could better serve both her and ourselves, by going there at the earliest practicable day.

Honduras and this State are the only ones with whom we have no Treaties. They are, also, the only ones that are seriously suffering, now, with either interior cares, or unfavorable foreign relations. On these grounds, alone, it were well, without delay, to place our own relations with them on a better footing, than they have heretofore occupied; and, to this end, Treaty stipulations seem indispensable. Especially is this so, as the ports of these two

ost isolated, in many respects, from the other four states; being at open with Guatemala, somewhat under the ban of Costa-Rica & Salvador, though on civil, yet not very cordial, terms with this State. Then, at Britain commands her whole Atlantic coast, by holding the Bay nds. Thus situated, Honduras may be, not unaptly, likened to some less animal in the wilds of Africa, hunted by Jackals; while the Lion, set the pursuers on, lies in wait for his prey, which must soon fall into apacious jaws, unless rescued by some friendly hand. This view derives ort from the fact that, of all the States, Honduras seems to be the only now, that has not given up the idea of a reunion of the States, in a con-rated government. For, whether she be wise or not, in adhering to this , and seeking to reduce it to practice, is, comparatively, no matter; as arraying her against Great Britain, it is important, in considering of causes which have placed her in her present unhappy condition, & may to reduce her still more; for, as it is, and always was, the policy of Great ain, in her designs upon this country, to effect a dissolution of the con-racy, and prevent its renewal, the persistance of Honduras, in resisting policy, has been such as to draw down, upon her defenceless head, the y blows of British enmity.

nless instigated by some cause foreign, in its real nature, to the whole nus, why should there be quarrels or war, between Guatemala and duras? Without undue suspicions, or any uncharitableness, an answer, only direct and satisfactory in this case, but comprehending much more, be found in the notable fact that, whenever there has been much enmity, especially if war has existed, between any two of these States, British y is found to have predominated in *one* of them, and been resisted in the . And this fact is not merely notable; but, as chargeable with many of vils which have afflicted these states, in the past, it should be peculiarly forcibly significant and admonitory to us, in looking after our own in-ts in this quarter, hereafter.

t, be this all as it may, we know that the condition of Honduras, at nt, is a very deplorable one, both at home and abroad. And among all roubles, none seem to have outraged her feelings more, or, in her estima-struck a heavier blow at her interests, and even at her *independence*, than eizure and colonization of the Bay Islands, by Great Britain. She es sympathy, and is entitled to it. She needs protection, even if it be ore than that afforded by intimate association, and friendly relations, some one powerful nation. For these, she looks anxiously, hopingly, to

tunes—far from it. But it seems that, here, her star and ours are in conjunction; and her interests identical with ours. We have long since declared that Great Britain shall not colonize America; and, per consequence, if we are ever to do any thing more than utter *words*, that the British grasp shall be withdrawn from Ruatan, Bonaca &c. From the moment in which that outrage was perpetrated, and more loudly now than ever, poor Honduras, the owner recognized by us, has been demanding that this shall be done; and, appealing to us to see to it, not merely as a measure of right to *her*, but of safety to *ourselves*. Restrained, we well know she is, by want of power, alone, to enforce her right. Under such circumstances, what more reasonable to expect—what more certain indeed, than that, in establishing our relations with her, terms the most favorable for us, and, at the same time, equally advantageous to herself, would be readily, even gladly concurred in, by her?

In visiting Honduras, for such a purpose and under such circumstances, I should feel authorized (whether the Bulwer-Clayton Treaty shall be abrogated or not) to assure her that the Bay Islands are not only hers *de jure*, but that the United States will see that they are, also, hers *de facto;* for that Great Britain must and shall give them up, either under the special agreement of the Bulwer-Clayton Treaty,[1] or upon the general principles of the

[1] The following document accompanied this despatch as an enclosure, or postscript, or afterthought:

Memorandum from Solon Borland, United States Minister to Central America, to William L. Marcy, Secretary of State of the United States

THE BULWER-CLAYTON TREATY

MANAGUA, NICARAGUA, *October 8, 1853.*

In respect to the Treaty between the United States and Great Britain, of April 19, 1850, a view has occurred to me, which I take the liberty of presenting for your consideration, as follows:

This view, suggested by the British Construction, raises the inquiry—what was the object of that Treaty, and what is its basis? But one answer, I apprehend, can be given by either Great Britain or the United States—and that is, to encourage and protect the construction of an interoceanic ship canal. The stipulations for this object, as they appear in Article VII, had immediate and special reference to the undertaking of the New York Company, which had then, recently, obtained a Charter from Nicaragua. But, in pursuance of the general purpose of a Canal, these stipulations limited the time which that company should be allowed "for concluding their arrangements, and presenting evidence of sufficient capital subscribed, to accomplish the contemplated undertaking", to one year from the date of the exchange of the ratifications of this Treaty (July 4, 1850); &, that particular company failing to conclude those arrangements and present that evidence, within that time, the two governments, parties to the Treaty, "shall be free to afford their protection to any other persons or company that *shall be prepared to commence and proceed with the construction of the canal in question*".

Now, it is notorious and certain that the New York Company not only did fail in this respect, but has not yet complied with that requirement, although more than *three* years, instead of *one* year, have elapsed. So much is not only known to Great Britain, the

nroe doctrine; each of which having been violated in their seizure & onization.

But, in addition to this verbal assurance, especially as we have heretofore ked so much, to that effect, and done so little, as not only to embolden

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reciprocal obligation between the parties to it? The general purpose, assuredly, of encouraging and protecting the construction of an interoceanic Canal, in the hands of some other persons or Company. But what is the extent, as to time, of that purpose, as a basis of the Treaty? For an answer to this, we are not left to the general rule of construction, which allows what common intelligence would hold to be "a reasonable time"; though that would not vary the result, in this case; for, surely, "a reasonable time" has, long since, been consumed. But the Treaty, itself, in the passage I have quoted above, fixes, specially and definitely, the extent here required for; as much so, certainly, as it does the limit of one year from the date of the exchange of its ratifications, for the New York Company to complete its arrangements, present its evidence &c. And in this: "that if, at the expiration of the aforesaid period (one year from the date of the exchange of the ratifications) such persons or company (the New York Company) be not able to commence and carry out the proposed enterprise, *then* the governments of the United States and Great Britain *shall be free* to afford their protection to any other persons or company that *shall be prepared to commence and proceed with* the construction of the canal in question". Here, as well in reference to the reciprocal obligation of the two governments, as to their joint obligation to the New York Company, in consideration of "time, money, and trouble, expended" on the faith of promised protection, the time at which, and within which, those obligations shall begin and end, is clearly stated and precisely defined. The prescribed time of the New York Company having expired by express limitation, then commenced that at and within which, also by prescription, the reciprocal, as well as the joint, obligations of the two governments, "to afford protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question". When commenced this prescribed time? Why, "at the expiration of the aforesaid period"—that is, of "one year from the date of the exchange of the ratifications"—that is, on the 4th of July, 1851. And when were these "other persons or company" to "be prepared"? Why, at the moment when the prescribed time of the New York Company expired—that is, on the 4th. of July, 1851. So that, unless there were some "other persons or company", then "prepared to commence & proceed with" the work in question, those obligations ceased to be binding upon the parties, at the same moment in which they began—that is, as in the case of the New York Company, expired by limitation, on the 4th. of July, 1851. Now, were there "any other persons or Company" then "prepared to commence and proceed with" the work in question? It is notorious that there were not. And, not only so, but, although more than two years have, since, elapsed, no such "persons or Company" have, yet, been known, seen, or even heard of. This, it will be observed, involves the failure not only of the prescribed time, as one of the conditions of the Treaty; but, likewise, of the "consideration of value", which could be the only other sufficient condition to give it binding force and validity. If, therefore, as has been seen, the failure of the time, alone, were sufficient to discharge the obligations, reciprocal and joint, of the two governments, in respect to the New York Company, then existing, and leave them "free" to look elsewhere for the accomplishment of their general purpose; upon what ground can it be questioned that the failure, not only of the condition of time, but likewise, of the "consideration of value", thus embracing, alike, the prescription, and the *reason*, of its conditions, discharged their obligations in respect to the general purpose, also? None whatever, either just or reasonable, that I can conceive of. It follows, then, both from the prescription and the reason of the Treaty, its purpose, special and general having failed, or, what is equivalent, being unattainable, that the parties to it are released from all the obligations it created, and that the Treaty, itself,

Great Britain, but discourage the Central American states—especially this state and Honduras, might not a demonstration be made, with some effect, by sending down one or more vessels of war to the ports of Truxillo or Omoa,

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country. For ourselves, never having had, nor pretended to, any possessions, there, it needed no Treaty to exclude us, up to the present time. The truth, and practical value of this assertion of Mr. Clayton, as it may be applicable to either party, in the future, remains to be tested.

How far the President may have gone, or may go, towards the adoption of this construction of the Treaty, upon which Mr. Clayton's assertion is based, I have no present means of knowing; for, neither when I left Washington, nor when you wrote me on the subject, were his opinions conclusively made up, in regard to it. I cannot doubt, however, that not only he, but all of us, would readily adopt such a construction—if no more than as a grain of practical good policy extracted from a bushel of the evil of violated principles—were it warranted by the terms of the Treaty, and if it could be availed of, as a peaceful and effective (though it might, and probably would, prove a temporary,) means of protecting interests which are, daily, growing in importance, and may, already, be vital to us. For myself, I confess that, thus moved, and solicitous to find some sort of demulcent for the black and acrid draft we had been forced to swallow, I, at one time, strongly inclined to this construction; for, without some palliative, such a Treaty were, absolutely, intolerable, and would seem to furnish justification for any step, short of treason or dishonor, to get rid of it. But, do its terms warrant this construction? President Taylor thought so—Mr. Clayton says so—and I have endeavored to think so. Since, however, I have examined the question more closely, and in connection with the clear and decided views of Lord Clarendon and the Queen's Advocate, which you sent me, I am not able to deny, though I have not yet brought myself to admit, the opposite construction, as contended for by Great Britain. In a Treaty at least, "words are things". And, without infringing the motives of Mr. Clayton, or questioning his patriotism, these same words fail to express, with sufficient clearness, what he now says *he intended;* whereas they have fully answered the *purposes* of Sir Henry Bulwer, at least to the satisfaction of his own government.

But whether, in our opinion, she be right or not in her *reasoning* upon this subject, Great Britain leaves us no ground to misunderstand her *conclusions*—and still less, assuredly, to disregard the ACTS—not *words*—by means of which she, not merely proposes, as she plainly shows us, but has, all along, before and since the Treaty, coolly and boldly put in practice, to enforce those conclusions. I need not particularize. The United States, tacitly at least, acquiescing in Mr. Clayton's construction of the Treaty, and strangely enough trusting *on that construction*, to the good faith of Great Britain,—somewhat as General Scott, before the gates of Mexico, trusted to the good faith of Santa Anna, that he would not strengthen his defences, during the armistice, though that work so fatal, soon afterwards, to many American lives, was going on, constantly and rapidly, under his very eyes—has, in her own good faith (which, I proudly thank my God, is neither Punic, Mexican, nor British) done nothing, in this respect, though her interests so urgently demand the most active and decided measures!

Such a purpose, then, as I have mentioned, even if entertained in the beginning as a motive to the negotiation of this Treaty, has, in the course of its practical development, been demonstrated to be intirely irreconcileable with those mutual benifits and reciprocal obligations, which are indispensable, as the basis of a Treaty, between equals on equal terms; and it is, therefore, at once & wholly, excluded from consideration, as such.

But if, admitting the logical result I have claimed for the argument, that, in technical strictness, this Treaty, as an obligation reciprocally and legally binding upon the parties, did expire, by limitation of time and failure of consideration, on the 4th of July 1851, it should, yet, be said that, in respect to an enterprise so vast, so important, and so peculiar, as that contemplated by such an agreement, neither technical strictness, nor extreme rigor in the rule of construction, should be resorted to or insisted on, to defeat it; but that good policy, as well as liberality, will regard the spirit rather than the hard letter of the compact, in disposing of such a question; I agree to it as a general rule; while, in this particular case, surely, no valid claim for liberality—for anything, indeed, be-

about the time of my arrival in Honduras, or letting them reach there with despatches for me, during my stay at the Capital? If you knew these people—how impressible they are, you would agree with me, I am sure, that

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our government *had* done, but merely to give precision to the argument, which proved what more or less she *might have* done. But there was no necessity for strictness, here, however strong and manifest the reason which would have justified it. For, not only a day—but a week—a month—a *year—two years!* might, either, even the longest period, be allowed for time; and, still, this Treaty had expired, alike by limitation and failure, more than two months ago. How much longer would its advocates and apologists have us to wait for some "other persons or company" to "be prepared to commence & proceed with" the work? our interests suffering the while. If we should wait six months, why not a year—two years—ten years—twenty years? We have, already, as I have shown, waited more than *two years*. Surely, that is an indefinite period in the affairs of a Nation, domestic as well as foreign, in this age of the world; within which, as not unfrequently has happened, even in our own history, relations, limits, policy, even form of government, each, or all, may change; making that which, at the beginning, or even at the middle of such a period, was eminently proper and desirable, yet decidedly and irreconcileably inadmissible, at its close. To bind any nation indefinitely, thus, is not merely to place her at disadvantage in the world's career, but, absolutely, to enslave her, to the will or interests of another. To one, with character, position, wants and necessities, like ours, it would end in convulsions, paralysis, or death. To bind us, young, vigorous, growing, as we are, endowed with capabilities of indefinite expansion, and conscious of a necessity of existence which impels us to keep those capabilities forever on the stretch, to a time-worn, decaying, effete old monarchy, were, indeed, to tether the lithe, strong, progressive limits of youth, to the tottering, retrograde decrepitude of age—or, worse, to subject us to a doom, for relief from the horrors of which, the only appropriate prayer would be, that most touching one in all the Scriptures:—"Lord! deliver me from the body of this death." Shall we longer be thus bound to Great Britain? Shall we, unresistingly, submit to this loathsome doom? And that, too, without any sort of benefit to ourselves, director contingent, past, present, or prospective. For, even with the construction of the Canal, I am unable to discover any advantage which does not inure far more to Great Britain than to us, from our partnership with her, and which we would not enjoy, in a far higher degree, alone. And without that, of which there seems now no prospect, the advantage is *all* hers; not a pretence, not even a shadow, of benefit, of any kind, remaining to us; but, on the contrary, injury, present, increasing, incalculable—perhaps irretrievable. Why, then, I again ask, and how long, shall such a partnership continue? I think, if there be any significance in facts, or any force in logical deductions from them, I have shown that there is no *legal* obligation, on our part, to maintain it, and it is still more clear, if that were possible, that there is no such obligation of a *moral* character.

I have said that the view, I have here presented, was suggested by the British construction of the Treaty: in this, that the great prominence which that construction gives, and the almost exclusive reference it makes, to the Canal, as the basis of the Treaty—and, as such, determining what the parties to it might or might not do, in the matters of occupying, fortifying colonizing &c, in Central America, are its characteristics.

At first sight, this might be deemed to evince liberality, on the part of Great Britain, towards us; for, giving this prominence, amounting almost to exclusiveness, to the Canal, she is investing with importance the only consideration which, as a substantial interest, could have induced the United States to form this partnership. A closer examination of it, however, suggests to my mind that it should be regarded as a stroke of policy rather than an instance of liberality, to amuse us with a *shadow*, while she is appropriating the *substance* to herself. At any rate, it is certainly true that, while we are occupied with this figment of a Canal across the Isthmus, she is, still, and steadily, occupying all the territory she has ever laid claim to, upon its fertile soil; *and, as late as the 27th of*

powerful and salutory, in its influence upon them. And, as a hint, I cannot doubt that it would be sufficient for Great Britain. . . .

I have the honor to be, [etc.].

True, and notwithstanding all this, Mr. Clayton tells us that, by virtue of this Treaty, "All British dominion in the whole of Central America, extending as it does by the line of the sea coast nearly one thousand miles, is abandoned."

And yet, this Treaty was made in April 1850—the Bay Island Colony was proclaimed in June 1852—Mr. Clayton's speech was delivered on the 8th of March 1853—&, in consequence, and in special contradiction, of that speech, the opinion of the Queen's Advocate was given on the 15th of April, and Lord Clarendon's letter, to the same effect, was written on the 27th of May, following!

What conclusions may not Great Britain, herself, and the world following her, be warranted in deducing from such experiments, as these, upon our patience and credulity, if we remain quiet under them, and even seem to be reconciled to the incongruities they exhibit.

The pretension, either by herself or any one else, that Great Britain, in colonizing the Bay Islands, only revived and reasserted an ancient right over what Lord Clarendon calls "her own lawful territories in Central America", or as dependencies of Belize &c, is as much too absurd, in itself, to be seriously entertained by her, as the act, of which it is predicated, is too fraught with grave consequences to be allowed by us.

But two grounds occur to me, upon either, or both, of which Great Britain could, with any candor, claim to rest her seizure and colonization of the Bay Islands. The *first* is "the law of the strongest"—

> "The good old plan—
> Let him take who has the power,
> And let him keep who can!"

A law which has governed her policy so long, that she may well avow it, now, and feel no sense of shame.

The *second* might, perhaps, and without great violence, be deduced from the British construction of the Treaty. According to that construction, freedom and protection of the Canal being the main objects, and, almost exclusively, the basis of the Treaty, she might not find it difficult, especially when it suited her interests so well, to infer that, so long as occupation, fortification, or colonization, shall not be upon the line of the work, nor so near as to obstruct or control it, it might not be improper, nor within the prohibitions of the Treaty, to commence and maintain them.

Although neither of these grounds may be tenable, and both would, probably, be disavowed by Great Britain; yet, as compared with the pretension of ancient right and "lawful territory", either of them is so far superior, as to be respectable, inasmuch as they are, at least, substantial and intelligible.

Much more occurs to me, which I might say, to illustrate and enforce the general views I have here submitted; for, the theme is a fruitful and suggestive one, alike to the heart and the intelligence of every citizen of the United States who, loving his country, is charged with the consideration of her interests. But, I trust I have said enough to make my views intelligible, upon the main points I desired to present; and feel sorry, and almost ashamed, that I have, already, written more than you may find it convenient to read. The foregoing, then, must suffice.

I have the honor [etc.].

. . . The frequent manifestations of ill will borne by the rulers of Guatemala towards the people of the United States, educed from the editorials of the Official Gazette, in discussing the advantages to be derived from a Spanish protectorate, of which sanguine hopes seem to be entertained, notwithstanding my endeavours to infuse into their minds the fact of the possibility of Spain herself being in need of protection, seem in my opinion to call for some remonstrance, in view of there being no other paper allowed to controvert the assertions, against the impropriety of continuing these attempts to impugn the principles of the United States, and it might be productive of the desired effect, for it is not the people of Guatemala who are inimical to the Americans, but the few men who now hold the reins of Government and who embrace any mean of action to retain power, and imbue into the people, a feeling of hostility towards the American people and institutions. The precise object of these measures, is not yet divulged, but the general policy now pursued, leaves no doubt as to their ultimate tendency.

Very Respectfully [etc.].

1252

Solon Borland, United States Minister to Nicaragua, to William L. Marcy, Secretary of State of the United States [2]

[EXTRACTS]

No. 9 MANAGUA, NICARAGUA, *November 10, 1853.*

SIR: . . . At the date of my last despatch,[3] I confidently hoped to have concluded, by this time, the Treaty, then in process of negotiation with this government. . . . Yet, I have not cared, particularly, to hasten it to a consummation; being not altogether without hope that some communication, from you, might enable me to impress it, before its conclusion, with better features than are practicable under present circumstances. . . .

. . . I think a little time will bring about the desirable results. Indeed, despite what seems so untoward in the present aspect of things here, I feel

[1] Despatches, Guatemala, vol. 3. Received December 24.
The omitted portion reports the visit of Spanish commissioners, and the desire for Spanish institutions in preference to those of the United States.

[2] Despatches, Nicaragua, vol. 1. Received November 30.
The omitted portions of this despatch deal with the difficulties of mail communication, his contemplated trip to Honduras, and other matters not pertinent to this publication.

[3] Not included in this publication.

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Although neither of these grounds may be tenable, and both would, probably, be disavowed by Great Britain; yet, as compared with the pretension of ancient right and "lawful territory", either of them is so far superior, as to be respectable, inasmuch as they are, at least, substantial and intelligible.

Much more occurs to me, which I might say, to illustrate and enforce the general views I have here submitted; for, the theme is a fruitful and suggestive one, alike to the heart and the intelligence of every citizen of the United States who, loving his country, is charged with the consideration of her interests. But, I trust I have said enough to make my views intelligible, upon the main points I desired to present; and feel sorry, and almost ashamed, that I have, already, written more than you may find it convenient to read. The foregoing, then, must suffice.

I have the honor [etc.].

. . . The frequent manifestations of ill will borne by the rulers of Guatemala towards the people of the United States, educed from the editorials of the Official Gazette, in discussing the advantages to be derived from a Spanish protectorate, of which sanguine hopes seem to be entertained, notwithstanding my endeavours to infuse into their minds the fact of the possibility of Spain herself being in need of protection, seem in my opinion to call for some remonstrance, in view of there being no other paper allowed to controvert the assertions, against the impropriety of continuing these attempts to impugn the principles of the United States, and it might be productive of the desired effect, for it is not the people of Guatemala who are inimical to the Americans, but the few men who now hold the reins of Government and who embrace any mean of action to retain power, and imbue into the people, a feeling of hostility towards the American people and institutions. The precise object of these measures, is not yet divulged, but the general policy now pursued, leaves no doubt as to their ultimate tendency.

Very Respectfully [etc.].

1252

Solon Borland, United States Minister to Nicaragua, to William L. Marcy, Secretary of State of the United States [2]

[EXTRACTS]

No. 9 MANAGUA, NICARAGUA, *November 10, 1853.*

SIR: . . . At the date of my last despatch,[3] I confidently hoped to have concluded, by this time, the Treaty, then in process of negotiation with this government. . . . Yet, I have not cared, particularly, to hasten it to a consummation; being not altogether without hope that some communication, from you, might enable me to impress it, before its conclusion, with better features than are practicable under present circumstances. . . .

. . . I think a little time will bring about the desirable results. Indeed, despite what seems so untoward in the present aspect of things here, I feel

[1] Despatches, Guatemala, vol. 3. Received December 24.
The omitted portion reports the visit of Spanish commissioners, and the desire for Spanish institutions in preference to those of the United States.

[2] Despatches, Nicaragua, vol. 1. Received November 30.
The omitted portions of this despatch deal with the difficulties of mail communication, his contemplated trip to Honduras, and other matters not pertinent to this publication.

[3] Not included in this publication.

amplest manner, all we could desire, in the way, not only of justice, but of friendly consideration. Of this, you will hardly doubt, when I tell you that, in a recent conference upon the pending Treaty, the Minister of Foreign Affairs, charged with that negotiation, proposed directly that the United States should take Nicaragua under *protection;* and, in reply to my inquiry as to how he proposed to enable us to protect her, he said he would make any concessions to us, which were necessary and proper for the purpose. Being unauthorized to enter into any such arrangement, the Conference, in that direction, terminated. No comment of mine is necessary to enable you to judge of the character, import, and available concomitants, of such a proposition. Connect it with the suggestions I have ventured to make, in former despatches, and my own views are sufficiently explained. . . .

I have the honor to be [etc.].

1253

Solon Borland, United States Minister to Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

No. 10 MANAGUA, NICARAGUA, *November 25, 1853.*

SIR: . . . Inclosed, I send you, also, the copy of a letter I received three days ago, from Mr. Henry Savage of Guatemala. He was, if I am rightly informed, once our Consul at Guatemala; and is known, I think, to your Department. Some of his correspondence is on file there—especially in relation to the affair of Tigre Island. He is regarded as a man of intelligence and integrity, and is well acquainted with Central American affairs, from long residence in the country &c. . . .

. . . The rumor mentioned in his Post-script,[2] about the designs of Guatemala and Salvador upon Honduras, does not surprise me; and, if true, serves to confirm still more my existing impressions of the mischievous purposes of England in this Isthmus, as I have intimated them in former communica-

[1] Despatches, Nicaragua, vol. 1. Received December 14.

The omitted portion reports the attempted revolution in León and the consequent delay in action on the treaty, and also that he has deferred his trip to Honduras until the overdue despatches from the Secretary are received by him.

[2] This letter, from Savage to Borland, dated at Guatemala City, November 4, 1853, does not fall within the scope of the present publication; but its postscript regarding which Borland comments, reads as follows:

. . .

On closing this letter I was informed that Guardiola who is here, is to proceed to Chiquimula, to organize a body of troops to make inroads into Honduras, and that a project is entertained of partitioning Honduras between Guatemala and San Salvador.

doubt not; her policy being to operate indirectly, first in the subjugation of Honduras, and next in that of Nicaragua, by means of Guatemala and Salvador—Costa Rica tacitly acquiescing; since she has found it impracticable to bring either of the two obnoxious States to her purposes, by direct approaches. Her seeming abandonment of Nicaragua may find some explanation in this. . . .

I have the honor [etc.].

1254

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *December 5, 1853.*

On the 24th of February 1851, the Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, had the honor of addressing a communication to the Hon Mr. Webster,[2] then Secretary of State, the contents and solution of which, were, as they are at the present time, of the greatest and utmost interest to the Republic of Nicaragua.

The documents accompanying the communication aforesaid, set forth the erroneous interpretation that, in the opinion of Nicaragua, Great Britain gave to the treaty of April 19th 1850: an interpretation which the British Government maintained, or pretended, to be identical with that given to said treaty by the Government of the American Union.

The Undersigned asked the Honorable Secretary of State to have the kindness to inform him, if such were in fact, the deductions it had made, with regard to, the clauses and the spirit of said treaty; circumstances, perhaps, prevented a reply from being given.

The Undersigned is fully convinced that the Hon W. L. Marcy appreciates, as well as the Government of Nicaragua, the vital interest of the matter in question; and he hopes, therefore, that he will have the goodness to take the same into proper consideration.

The Undersigned avails himself of this opportunity [etc.].

[1] Notes from Central America, vol. 2.

[2] Above, this part, doc. 1146.

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *December 6, 1853.*

On the 2d of November, 1852,[2] a communication was sent to the Department of State, setting forth and explaining the means by which the Government of Nicaragua understood and wished, that the restoration of the port of *San Juan del Norte* and of the Mosquito territory, could be duly and fully carried out;—modifying, in the terms stated in that communication, the bases signed in Washington on the 30th of April of the same year, by the Honorable Daniel Webster Secretary of State, and Mr. J. Crampton, Her Britanic Majesty's minister;[3] bases which the Senate and Chamber of Deputies of Nicaragua did not deem it proper to sanction nor to admit, in consequence of their being in direct opposition with the rights and interests of Nicaragua.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of Nicaragua, who had the honor of addressing the aforesaid Communication to the Hon Daniel Webster, has now likewise the honor of calling the attention of the Hon W. L. Marcy, to the glaring evils and injuries which the actual state of things, in relation to said questions, originates and occasions to the interests of a sister Republic, who, with the utmost confidence, has placed and still places in the hands of the American people, the custody and defense of these dear and vital interests.

One of the evils which weigh most heavily upon the state, is an enormous foreign debt which the Government of Nicaragua wishes to cancel: relying, for that purpose, upon one of the most fruitful sources of revenue, which, before the British invasion, were wont to feed the public exchequer with the annual product of the port of San Juan.

It must not be understood by this that the Government contemplates re-establishing the maritime custom house of that port: quite the contrary: the Supreme Director is fully convinced of the advantages which must accrue from the freedom of that port; but, at the same time, he thinks it just and proper to restrain this advantage within certain bounds, in order to avoid thereby, those abuses, evils and pernicious consequences, which, from the 1st of January 1848, have been continually and palpably entailed upon the Republic.

Consequently, the undersigned has received express orders to call, in a very particular manner, the attention of the American Government to these and other serious evils, which, it would be very tedious to detail in this place: he

State, the wishes which the Government of Nicaragua entertains, and the absolute necessity it is under, to recover its unequivocal Sovereignty over the Mosquito territory, and most especially over the port of San Juan del Norte, which is beyond the limits of the territory aforesaid.

In order to accomplish this object, the undersigned has the honor of renewing here to the Hon. Secretary of State, the conditions and sacrifices to which his Government would submit, in order to do away, on its part, with the obstacles that have hitherto prevented a definite settlement of these questions.

These conditions are,

1st To declare *San Juan del Norte* a free Port.

2dly To pay, by way of indemnity, and for the extinction of any pretended title which the Mosquitos may set up, four per cent on the net proceeds of the port, for a period of five consecutive years.

3dly To designate and to pay a life pension to the Prince or Mosquito Chief, either at Leon, Granada, or at some other point which may be most suitable to the government.

4thly To acknowledge as lawful, the *rational* grants of land which may have been made from the 1st of January 1848 by the actual authorities of the pretended Kingdom of Mosquitos, with the exception of those that are in opposition to the grants previously made by the Spanish government, by the Federal Government of Central America, or by the Government of Nicaragua; those that may be at variance with the rights and privileges of the Canal, and accessory transit companies, and those made at such points or localities as the State may want for forts, customhouses, barracks, warehouses, arsenals, lighthouses, and other public edifices, such as quarantine hospitals, etc.

The Government of Nicaragua understands that many grants of land have been made, with a mere mercantile or speculative object, and for insignificant considerations, the terms of which are not known, seeing that those improvements that are mostly called for in the port, have not been made, and that the obstacles against the navigation of the river, where it runs into the territory of the Republic, have not been removed.

The Government of Nicaragua has full knowledge of irregularities and abuses which cannot and should not be sanctioned. For this reason, it will only acknowledge those grants that have been made for some other object, besides a mere mercantile speculation, and such as do not exceed those bounds that are compatible with reason and Justice.

The Government of Nicaragua is not ignorant of the difficulties and complications which these subjects involve, and, therefore, it commits and en-

while the anxiously wished for settlement is pending, the port of *San Juan del Norte* might be restored to its original and lawful authority and sovereignty, pledging itself, to carry into effect at once, that portion of the grants mentioned above, accordingly as it may be deemed necessary and proper.

And in order to shew by what feelings the government is actuated, with regard to a brother State, that of Costa Rica, with which there happily exist, at present, the best relations, the Supreme Director promises, that while the pending questions concerning boundaries, between the two States, continue unsettled, Costa Rica shall enjoy perfect liberty of egress and ingress, by the port and river of *San Juan* as far as that of Sarapiqui, which leads to its territory.

A commission of two individuals was formerly appointed in virtue of a gubernatorial decree: said commission is especially instructed to propose and to effect a settlement upon the most liberal bases, which will not fail to produce the desired result.

With regard to the Canal and transit Company, the Undersigned begs to refer to his communication of November 2d 1852;[1] in as much as circumstances, in relation to these companies, have not undergone the least variation, and because at present, certain modifications are moreover required by mutual agreement, in the original contracts.

In conclusion, the Undersigned begs with the utmost earnestness, that the Hon W. L. Marcy will be pleased to take into consideration the contents of this despatch. He calls very particularly his attention to that point concerning which the Government of Nicaragua has her most flattering hopes at stake, in consequence of her interests, not only material but even moral, being bound up in it. This point, of such transcendental interest is the immediate restoration of the port of San Juan, while the questions are being settled, and the negotiations that are now pending with the Government of Her Britanic Majesty are being brought to a close.

Nicaragua pledges herself to give all the securities and guaranties which may be deemed necessary, and which are in accordance with the dignity of the Government and of the nation. In view of these guaranties, the undersigned does not believe that any serious obstacle can be opposed to the accomplishment of her just and natural desires, from the immediate realization of which, depend, in a great manner, the welfare, the peace, the security and the good order of the Republic.

The Undersigned cannot do otherwise than to insist upon this main point, and to renew his request for the prompt and immediate restoration of the port of *San Juan del Norte;* confiding, as he does, in the justice, equity, as

[1] Above, this part, doc. 1226.

well as in the sentiments of close and cordial friendship which govern and unite the American Government and people, to and in favor, of their sister republic of Nicaragua.

The Undersigned avails himself of this opportunity [etc.].

1256

Solon Borland, United States Minister to Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACT]

No. 11 MANAGUA, NICARAGUA, *December 10, 1853.*

SIR: . . . The Manifesto of Gen. Guardiola, a copy of which is herewith inclosed,[2] may be regarded, no doubt, as the act of Guatemala; and, as I anticipated, it has been followed up by an invasion of Honduras (in the province of Gracias, which adjoins Guatemala, and the acquisition of which has long been desired by the latter) by a body of Guatemalians headed by Guardiola. This Gen. Guardiola has long been regarded as the boldest & most formidable military man of Honduras, and is much feared in that State. On that account, it is supposed, & I think with good reason, Carrera has won him to his interest, with the view of weakening, dividing, and ultimately subduing Honduras. Connected with this movement, the refusal of Guatemala to carry out her agreement to send a Commissioner to meet those of Nicaragua, Salvador, and Honduras, at Santa Ana, to negotiate a peace &c. is very significant of Carrera's ultimate designs. As you will see, by reference to my former despatches on this subject, the present aspect of affairs is confirmatory of my fears that nothing favorable to peace &c. would result from this proposed conference of Commissioners. Most of these particulars I gathered from this government yesterday. They seem much concerned about the present state of affairs, and are sending off despatches to the several states involved, in the hope of preventing the occurrence of the threatened evils. I fear, however, they will not be able to do much, if any, good. They seem to agree with me that all this trouble originates in British influence. For myself, I have no doubt on the subject. Indeed, every occurrence, and the reflection of every day, but confirms my impressions, several times made known to you, of British machinations, which seem to me to be not only in violation of the spirit of the Treaty of April 19, 1850, but absolutely devilish in their purposes—certainly so in the means resorted to for their accomplishment, and in the consequences that must flow

idle and seemingly unconscious, while Great Britain, keeping, *as she supposes*, out of sight, is plotting, and by secret, but active influences, doing mischief not only to these countries, but to our interests in connection with them? For, what can we do here, that will be useful to us, or to them, when they are involved in confusion, civil war &c? I think, if I could succeed in making you fully aware of the state of affairs even now, and especially as threatened, I would not be long without special instructions to take bold and decided steps. And as circumstances lead me to fear that my communications have not reached you, and may not come to your knowledge, before it may be too late for you to instruct me specifically,—and as I hear nothing whatever from you on the subject, a sense of duty prompts me to act as my own judgement dictates, in conformity with what I understand to be the general views of the administration, and the spirit of my general instructions. What I shall have to do, I cannot, of course, yet say with precision; for almost every thing must depend upon circumstances at the moment of action. But I trust you know my principles and general views well enough to be assured that I will not involve my country unnecessarily or improperly. If, however, in my desire to do right, my zeal should overleap my discretion, my government can revise my acts, and, if deemed proper, repudiate them, in time to avoid any of their evil consequences. In such an event, the responsibility would fall altogether upon me; and, however unfortunate and mortifying for myself, I should neither complain nor repine, being sustained in my own estimation, at least, by a consciousness of having looked only to the interest of my country, and done my duty faithfully as I understood it, "with the best lights before me". . . .

I have the honor to be [etc.].

1257

Felipe Molina, Costa Rican Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *December 13, 1853.*

The Undersigned Minister of Costa Rica, thinks it his duty to address himself to the Honorable Secretary of State of the United States, upon a subject which he begs leave to explain.

In the able and interesting report of the Post Master General, that has just appeared, before the public, mention is made of an offer presented by the Nicaragua Company for carrying the mails between the Atlantic coasts of this country and California and the Territories on the Pacific; and the adoption of that proposition is recommended to the consideration of the President.

benefits to be derived by all the States of Central America from the establishment of regular mail communications, across that region, cannot but be considered by the Costa Rica Government as a very desirable event.

The Honorable Secretary will recollect, that the Undersigned, in a letter he addressed him, on the 20th of June,[1] as the Representative of Guatemala, took that opportunity to invite Mr Marcy's attention to the Nicaragua Line and to express the wishes of the Costa Rica Government, in regard to the establishment of mail communications with the United States and to the adjustment of a postal convention between the two countries.

This overture, however, rested naturally on the supposition, that the claims of Costa Rica to the Port of San Juan, to the river of the same name, and to the lake of Nicaragua, should have been previously settled, through the influence and mediation of the American Government: a hope which has not been realized; while the simple fact of such a step having been taken by the Undersigned, clearly shows, that the Costa Rica Government is favorably disposed, in regard to the Canal & Transit Companies, and duly impressed with the expediency—and desirableness of the views entertained by the Post Master General.

The Undersigned, trusts, therefore; that the respresentation he is about to make, will not be ascribed to other motives than the necessity of defending the interests confided to his care, and, this, he is sure, that he can accomplish, without being inconsistent with his former acts.

It is with much regret, that the Undersigned finds himself compelled to remind the Honorable Secretary of State, that the Nicaragua Company has never obtained from Costa Rica the right of way to navigate through the Port of San Juan and over the river of that name and the lake of Nicaragua; to which port, river and lake, the Government of Costa Rica having never relinquished its claims, the Undersigned begs leave to enter here the most solemn and formal protest, in the name of the Republic he represents, against the performance of an act calculated to give the countenance of this Government, to the proceedings of the Nicaragua Company, in violation of the Sovereignty of that Republic, and in disregard of her constant reclamations.

The adjudication of the mail contract to the Nicaragua Company, without a previous understanding with Costa Rica, would, no doubt, have the effect of identifying this Government with the wrongs commited against the Sovereignty of Costa Rica by the Nicaragua Company.

All the efforts made, until now, to promote the adjustment of the conflicting claims, between Costa Rica and Nicaragua, having, unfortunately been ineffectual, the Government of Costa Rica, must still consider itself in full possession of all its original rights, and will remain so, until it has relinquished them by the provissions of a Treaty.

The Undersigned begs to remark, that it is not for any fault on the part of his Government, that such a Treaty has not long since been concluded. Costa Rica, in fact, cannot do more than what she has done, in proof of her good faith, sincerity and moderation. It must be known to the Secretary of State, that she has consented to make very important concessions, in order to ensure an agreement with the State of Nicaragua.

The propositions made by her, under the auspices of both the Governments of the United States and Great Britain, were unfortunately rejected by Nicaragua. Costa Rica, nevertheless, still animated by a sincere desire to bring every question, between her and Nicaragua, to a settlement, and thereby to prevent the occurrence of any further difficulties, which might arise in whatever quarter, to the execution of the projected route, whether by canal or by railroad, across the Isthmus, and placing a confident reliance on the justice of her cause, and the impartiality of the American Government, has expressed her willingness to submit the long pending questions between herself and Nicaragua to the sole arbitration of the United States.

If Nicaragua does not agree to this last mode of settlement, it surely, cannot be alleged that any difference which still subsists or which may hereafter arise, can be ascribed to Costa Rica.

The policy of non-intervention on the part of the American Government, in the existing difficulties between Costa Rica and Nicaragua, is, no doubt, the proper one; but the adoption of the course now recommended by the Post Master General would appear to the Undersigned to constitute an evident departure from such impartial policy— The recognition which it would imply of the encroachments of the Company as against Costa Rica, would scarcely be consistent with such a policy, and could not fail, on the other hand, to encourage Nicaragua in her exaggerated pretensions and in her blind rejection of every reasonable proposal for compromise.

The Undersigned, therefore takes this opportunity, to renew formally to the Honorable Secretary of State, the proposition which he had the honor of making to him, verbally, for refering this matter to the Government of the United States in the character of a judge and an arbitrator.

In the humble opinion of the Undersigned, the Government of the United States, would in the exercise of an active and impartial mediation, between those two Central American States, perform an act of friendship, and justice, consistent with the high position, which the American Union, occupies in this Continent; but should a different course be found more convenient, it is to be trusted that this Government will not, at least, feel inclined to throw its whole weight on one side, to the injury of the other, as it would do, by giving, under the existing circumstances the mail contract to the Nicaragua Company.

Solon Borland, United States Minister to Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

No. 12 MANAGUA, NICARAGUA, *January 11, 1854.*

SIR: Since my last Despatch (No. 11, dated Dec. 9.)[2] I have received your No. 7, of Nov. 18.[3] . . .

Along with this despatch, I send you sundry printed papers, the most of them official gazettes of the several Central American States. Their contents may serve to give you information of interest (so far as the affairs of this Isthmus may be interesting) in relation to Central America. I think you will find, in some of them, some confirmation of the views I have, heretofore, expressed to you, in relation to British influence, and the manner of its operation, in the states, especially, of Guatemala, Salvador, and Costa Rica. I need comment upon them no farther than to say that, here, no one doubts that they were written by an English hand, or, at least, dictated by an English heart. You will observe that Guatemala throws off all reserve, and openly denounces *us*, and *Democracy*, together. Why is this, in a State *professing* to be Republican, and which has never received anything but kindness at our hands? *Left to themselves*, as I have before remarked to you, the Central American States would have no cause of quarrel *among themselves;* and, I may, now, safely add, they would find none against *us*. Yet, you will see that Guatemala suggests the necessity of a union among all the Spanish American States, for defence against *us*. Salvador reproduces this; and so, also, will Costa Rica, as soon as the paper containing the suggestion shall reach her. She is already condemning me for my anti-British sentiments. If these were ordinary newspapers, I should attach, comparatively, little importance to them. But they are, actually and absolutely, the Official gazettes, or govt. organs. All the views they put forth are those of the government, and published by authority.

Such views as these are not consistent with the repeated and apparently earnest assurances given me by Mr. Molina, as well before I left Washington, as in letters since received from him, as to the sentiments of the States (now, Guatemala, Costa Rica, and Salvador) he represents. Even in a letter from him, just received, he expresses great confidence in the beneficent influence I will be able to exercise in these States, and invokes it for the pacification of the Isthmus. And, yet, at the same time, I receive the Official gazettes of

[1] Despatches, Nicaragua, vol. 1. Received February 10.
[2] His No. 11 is above, this part, doc. 1256; but it is dated December 10.
[3] Above, this volume, pt. 1, doc. 1034.

proposing a union among themselves and others, to defend against our agressions! Is Mr. Molina ignorant of the views of his own governments? Or are those governments putting forth views to the public which they do not entertain? I think he ought to answer these questions.

I learned, yesterday, from this government, that Guatemala had agreed, again, to send her Commissioner to the conference, for settling her disputes with Honduras; and that, as yet, there is no invasion of Honduras, by Guardiola &c. as we had, before, been informed. The interposition of this government may have done some good. The letter, at least, is a good one. See it in the Nicaraguan gazette, herewith sent.

But I have no hope of any real or permanent peace for Honduras, until one of three things shall have happened. Either she must abandon her free principles and liberal policy, at the dictation of Great Britain; or be swallowed up by Guatemala—alias Great Britain; or, under the protection of some strong power—alias the United States, be able to maintain her independence. Of the imminence of the danger of either the first or second of these contingencies, I can better judge when I reach Comayagua. My hopes of the third depend upon your answer to my suggestions, in regard to it.

This government expresses itself as satisfied of the intire suppression of the (alleged) revolutionary movement, by which it was so much disturbed, a short time since. All, indeed, seems quiet on the surface. But there is reason to apprehend that this quiet does not extend much below the surface; and, although an outbreak is altogether uncertain as to time, its occurrence, at any moment, would not surprise any one.

The Constituent Assembly was to have convened last Sunday, the 8th., but failed to do so. It is composed of some twenty members, and about half that number are already here. The remainder are expected by next Sunday, the 15th, when the Assembly will organize. This will be a Convention to amend the Constitution—perhaps to remodel the government intirely [*sic*]. It will be the first of the kind, since 1838. There seems to have been some reluctance, on the part of some of the members elect, to attend; to meet which difficulty, as you will see in the Official gazette, the Director issued his proclamation, requiring the recusants to be helped on their way, here, by a military escort!

Latterly, this government has manifested, what I consider, a better feeling towards us, than for some time past. The Treaty, about which they have been so dilatory, was, yesterday, substantially agreed upon. By next mail, I will send you an abstract of its stipulations; and be able, at the same time, I hope, to announce its conclusion. . . .

In your last despatch (No. 7.) you say that the questions presented in my several communications were under consideration, and that I would be duly

that the answers to my suggestions about the Bulwer-Clayton Treaty will depend upon Mr. Buchanan's negotiations at London; and as Mr. Buchanan, upon arriving in England, publicly declared that "the unsettled questions known to exist between Great Britain and the United States, judged according to the value of the material interests involved, are not worth six months suspension of the trade between the two countries", I reluctantly abandon the hope that this particular question will be settled in accordance with the views I have, heretofore, troubled you with, and which I flattered myself were not inconsistent with those which the President and his Cabinet entertained, when I left Washington; or, if ever so settled, it will have to be at Washington, and, then, too late to prevent much of the mischief I think I foresee, or accomplish much of the good I seek.

It is still my purpose to go to Honduras, as soon as I can leave here; which, if present indications do not deceive me, cannot be later than the first of next month. I have the less regretted my detention here, since, unfurnished with the instructions I hoped to receive, I should be, if there, comparatively helpless to render the real service, alike to Honduras and ourselves, I have so much desired.

I have the honor to be [etc.].

1259

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *January 24, 1854.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, has the honor of enclosing to the Hon. W. L. Marcy, Secretary of State of the United States, a copy of the propositions he has just made, in the name of his Government, to that of Her Britanic Majesty, for the definite and final settlement of the matters relating to the Port of San Juan del Norte, the territory and Coast of Mosquitos.[2]

[1] Notes from Central America, vol. 2.

[2] The document, mentioned as being enclosed, follows:

[TRANSLATION]

Project of settlement and object of the articles of a treaty between Great Britain and the Republic of Nicaragua, relative to the port of San Juan del Norte, Territory and Coast of Mosquitos, proposed to His Lordship, the Earl of Clarendon, by the Minister Plenipotentiary of Nicaragua in the United States and in Great Britain

WASHINGTON, *January 21, 1854.*

1st. The Mosquito Indians and the other tribes who inhabit the territory of that

pathy for Nicaragua, it has taken so active and favorable a part, at once terminated, has no doubt but that this project will elicit the fullest approbation of the Hon. W. L. Marcy, seeing that, while it meets all exigencies and protects the susceptibility of the parties interested, it likewise does away with every pretext for further delays, and removes all causes of future discord.

On the other side, the government of Nicaragua, the party principally interested in this matter, could not continue any longer in a state of endless expectancy, which, without any indication of the probability of a happy issue, seriously compromises her dearest and most vital interests— In contributing its proportion of sacrifices, it contributes to the re-establishment of good harmony between all parties, and secures, at the same time, its political and commercial relations with the Great Powers.

As the intricate questions and discussions of which Europe is now the theater, and the eventuality of more serious complications on the old Continent, might, perhaps, compromise the desired result, the Undersigned has, at the same time, proposed to His Lordship the Earl of Clarendon, that he would be pleased to authorize, if he deems it proper, Her Britanic Majesty's Minister Plenipotentiary in Washington, to proceed, conjointly with the Undersigned, to negotiate and adjust a treaty upon the bases herewith enclosed;—bases which were agreed upon at Managua, in September 1853, between H. E. the General Supreme Director of Nicaragua and the Hon. Solon Borland, Minister Plenipotentiary of the United States in Central America.

2d The territory and Coast of Mosquitos shall form, for the future, a department of the Republic.

3d The port of San Juan del Norte shall be replaced under the authority and sovereignty of Nicaragua.

4th The same shall be declared a free port.

By way of compensation Nicaragua engages

1st To exercise a special protection over the Indians; to promote their moral and material instruction; and not to molest nor trouble them, on account of any act anterior to the ratification of the treaty.

2d To pay to the Indians four per cent, on the net produce of the duties of import, for the port of San Juan del Norte, during five years.

3d To award to the Mosquito Chief an annual pension for life, in proportion to the salaries received by the functionaries of the Republic.

4th To recognize as legitimate the grants of land, which have been followed by occupation, made since the 1st of January 1848, provided that said grants are not in opposition

a) to those made by the Spanish Government, by the confederacy of Central America, and by the Government of Nicaragua, nor to the rights which the Canal Company has enjoined until now.

b) to those that have been made in localities which the Government of Nicaragua might want for Wharehouses, Custom houses, barracks, arsenals, fortifications, light houses and other public edifices.

5th Those grants will not be recognized which have been made before or after the 1st of January 1848, for speculative and mercantile purposes, and the excessive extension of which leads to presume the existence of such an object.

J. DE MARCOLETA

Hon. W. L. Marcy, Secretary of State of the American Union, in this matter, avails himself of this new opportunity [etc.].

1260

Felipe Molina, Guatemalan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *February 14, 1854.*

The Undersigned Minister of Guatemala regrets very much that he is constrained by his official duty to engage the time of the Honorable Secretary of State on a matter of an unpleasant nature.

Information, from reliable sources, has reached this Legation, that on the 4th instant, the American schooner "M. L. Rogers"—"Captain Rogers"—was cleared at the New York Custom House, bound for the port of Omoa in the State of Honduras, carrying on board two hundred and seventy cases with muskets, cannons, field pieces, ammunitions, gun carriages &c &c—for the use of the Honduras Government, and to the consignement of A. Follin Esqe, Consul of the United States at the above mentioned port of Omoa. It is said, moreover, that the parties who have fitted out this expedition are American Citizens and the same individuals who compose the association formed under the name of "Honduras Rail Road Company" for the purpose of constructing a route from sea to sea over the territory of that State. This Company, it is reported, has obtained a charter from the Government of Honduras, has opened an Office in Park Place in the City of New York, and is presided by Amory Edwards Esqe a merchant of that city.

The transaction alluded to, in the ordinary course of mercantile business, would not present in itself anything objectionable; but the Department of State is aware, that the Republic of Honduras has been for more than one year since, and is still, at open war with the Republic of Guatemala: a war wholly unprovoked on the part of the Undersigned's Government, which has endeavored to avert that calamity by every means consistent with its own safety and dignity. This unfortunate state of things is generally known in this country, through the intelligence continually spread before the public, by the thousand organs of the press; but the promoters and directors of the Honduras Company, must be better acquainted with it than anybody else, on account of their very enterprize and from their own immediate and personal observation.

It cannot, therefore, be alleged, that they have acted in ignorance of the pending war, but knowingly and with a deliberate design of affording assist-

manifest violation of the general law of nations and of the Statute laws of this country. The impropriety of such a conduct appears the more glaring, when one considers that it is aimed against a nation between whom and the United States, the most friendly relations, cimented by a solemn Treaty, have always existed.

Nor can it be pleased in attenuation, that the Company saw the necessity of providing the means for its own protection, in the execution of the contemplated work, since the American nationality and a strict adherence to neutrality, would, in any circumstances, have afforded the best protection to the parties concerned and their laborers— It is precisely by following a different course, that the Company will have, wantonly and injudiciously, placed its interests in jeopardy, and forfeited the right to claim the protection of the United States Government.

The Undersigned begs to remark, that the transaction in question is not a simple case, like that of an obscure speculator who induced by the temptation of acquiring wealth, should fit out a clandestine adventure of contraband articles. On the contrary, the Shipment has been effected openly, without disguise, through the agency of a company aspiring to public confidence and public support, and has been consigned to the care of a Gentleman, Mr. Follin, holding office under the United States Government.

The Undersigned begs respectfully to express the opinion that the persons who have sent out the "M. L. Rogers" with a contraband cargo, have committed an offense against the laws of the United States; and violated, if not in the letter in the spirit, the Statute enacted by Congress in 1818, on the subject of neutrality. They have made themselves amenable to the Federal Courts and have become liable to the bonds and penalities ordained in that Statute (See section 6th).

The Undersigned in the name of his Government has to request the Honorable Mr. Marcy that he will be pleased to grant his earnest attention to the subject of the present letter and to issue the necessary directions, so that an enquiry may be made into the case above stated, and the provisions of the neutrality act may be enforced, in regard to the parties who should appear guilty; by compelling them to give securities that the arms they have furnished the Honduras Government shall not be employed in hostilities against Guatemala.

The Undersigned has also to request, that the Secretary of State will have the goodness to cause a circular order to be sent to the Collectors of Custom Houses, with a view to prevent expeditions of a similar description.

The Undersigned entertains a confident hope that this Government, through its Representative in Central America, will take such measures as to prevent the possibility of a collision between the Government of Guatemala

carry on hostilities against Guatemala. The Undersigned's Government will try to avoid such a collision on its part; but, if, contrary to its earnest hope, any disagreable occurrence should eventually take place; it is not certainly Guatemala that shall have to be blamed for it—

Mr. Molina has the honor [etc.].

1261

Solon Borland, United States Minister to Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

No. 13 GRANADA, *February 22, 1854.*

SIR: With this, I send, by hand of Mr. Beelen, Secretary of this Legation, the Treaty I concluded and signed, with the Executive Government of Nicaragua, on the 14th. of this month.

I do not deem it necessary to accompany this Treaty with any remarks of my own, to explain its provisions, or commend them to the favorable consideration of my own government. Only in a single Article (35th.)[2] does it differ materially from the ordinary Treaties of amity and commerce we have with other nations—especially with three other States of Central America. And that single Article, I think, explains itself and exhibits the propriety of its own stipulations, with sufficient clearness and force. It may not be out of place, however, to remark, for the satisfaction of any one whose duty it may be to pass upon the propriety of guarantying Nicaragua neutrality and sovereignty, and whose scruples may need the warrant of *precedent*, that one may certainly be found in our Treaty with New Granada,[3] for the Transit

[1] Despatches, Nicaragua, vol. 1. Received April 20.

[2] The text of this treaty could not be found in the files of the State Department. For the probable reason, see above, this volume, pt. 1, the Secretary of State's instruction No. 3, of October 23, 1854, to Wheeler, doc. 1045.

[3] The provision to which he evidently refers in the treaty with New Granada, copied from Malloy, *Treaties, Conventions, etc., between the United States and Other Powers*, Vol. 1, page 312, follows:

ARTICLE XXXV

The United States of America and the Republic of New Granada, desiring to make as durable as possible the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points:

1st. For the better understanding of the preceding articles, it is and has been stipulated between the high contracting parties, that the citizens, vessels and merchandise of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated Isthmus of Panama, from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges and immunities concerning commerce and navigation, which are now or may hereafter be enjoyed by Granadian citizens, their vessels and merchandise; and that this equality of favors shall be made to extend to the passengers, correspondence and merchandise of the United States, in their transit across the said territory, from one sea

for far more limited, and less valuable, considerations.

The terms of this Treaty had been agreed upon, before I received your despatch No. 8;[1] and the copies, for signature, were then in the course of preparation. After reading that despatch, I proposed, and it was agreed, to strike out one short provision, which had been adopted. It was an agreement, on the part of Nicaragua, to make San Juan del Norte a Free Port. The reasons assigned, by you, for declining to appoint a *Consul* for that Port —that "the local authorities" might not allow the performance of his functions, and that it might be regarded as improperly taking sides upon the conflicting boundary question between Nicaragua and Costa Rica—seemed (as instruction in advance) to exclude the provision I have mentioned, and it was, accordingly, excluded; although candor requires me to say I have been unable to perceive either the soundness or force of such reasons.

I am induced to send this Treaty by Mr. Beelen, rather than by another messenger, for several reasons—among them is the consideration that it is no easy matter to find another suitable person in this country, for such a duty; and while it gratifies his wish to visit the United States, at this time, it can be done without detriment to the public interests.

I have the honor [etc.].

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portation of any articles of produce, manufactures or merchandise, of lawful commerce, belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens; that any lawful produce, manufactures or merchandise, belonging to citizens of the United States, thus passing from one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be liable to any import-duties whatever; or, having paid such duties, they shall be entitled to drawback upon their exportation; nor shall the citizens of the United States be liable to any duties, tolls or charges of any kind, to which native citizens are not subjected for thus passing the said Isthmus. And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages, and for the favors they have acquired by the 4th, 5th, and 6th articles of this treaty, the United States guarantee, positively an efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granda has and possesses over the said territory.

[1] Dated December 30, 1853, above, this volume, pt. 1, doc. 1036.

1262

Solon Borland, United States Minister to Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

No. 14 GRANADA, *February 22, 1854.*

SIR: Your despatch No. 8, dated Dec. 30,[2] has been received.

The only reply I think proper to make to it, you will find set forth, in the copy of my letter, of this date, to the President, herewith inclosed.[3]

Your despatch No. 9, dated Jany. 19,[4] has, also, been received. It is filed with your other despatches, for attention in due time, by my successor.

I have the honor [etc.].

[1] Despatches, Nicaragua, vol. 1. Received April 20.
[2] Above, this volume, pt. 1, doc. 1036.
[3] His letter to the President, the copy of which he enclosed with this despatch to the Secretary, follows:

Solon Borland, United States Minister to Nicaragua, to Franklin Pierce, President of the United States

No. 1 GRANADA, NICARAGUA, *February 22, 1854.*

SIR: While I beg leave to renew the sincere assurances, which I have heretofore given, of my high appreciation and grateful acknowledgement of the honor you have conferred upon me, by the appointment of Minister to this country, I most respectfully request you to relieve me from the further performance of its duties.

As making the occasion for this request, I most respectfully refer you to Mr. Marcy's despatch, No. 8, of the 30th. of Decr: last [Above, part 1, this volume.—Ed.]. In that communication, one of your high sense of honor and justice cannot, I apprehend, fail to see that the Secretary of State has required of me what, as an honorable man, I cannot consent to do; and has chosen to indulge in a tone of remark to which I cannot continue in a position to be subject, while so much of self-respect remains to me as becomes a man.

I am, no more than other men, insensible to the honors, or indifferent to the emoluments of office; but no height of the one, nor amount of the other, has power to induce me to violate the rule of my life (from which I am not conscious of having ever departed) which forbids me to do what I believe to be wrong, or submit to indignity from any quarter.

It is the occasion of real regret to me to be forced to infer from any circumstance, especially from his own official act, that one occupying the position of an American Secretary of State is incapable of either adopting such a rule for his own guidance, or respecting it when observed by another.

As it is not necessary, and would not be agreeable to my own feelings, I have not yielded to my first impulse to reply, at length, to the offensive (and, I must say, uncalled for and discreditable) communication of Mr: Marcy—or, indeed in, any other way than by enclosing him a copy of this letter.

The bearer of this, Mr. Beelen, Secretary of Legation, hopes to be able to return here by the middle of April. I trust he may; and that, upon his return, or, at farthest, by the 1st. of May, I shall be enabled to close my mission here, and return home.

I beg leave to assure you of my sincere and cordial best wishes for the success of your Administration, and for your personal happiness, and have the honor [etc.].

[4] Not included in this publication.

Solon Borland, United States Minister to Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

No. 15 GRANADA, *March 11, 1854.*

SIR: I have the honor to acknowledge the receipt of your despatch No. 10, of the 3rd. Ulto:[2] which reached me by the last mail.

In view of what seemed (from its letters, alike, to me, and to the Transit Company) the intention of the Govt. of Nicaragua to violate, by some arbitrary act, the legal rights of the Company, as guarantied by the Charter, I had, before receiving your despatch, represented to it the responsibility it would incur, to the United States, by any such proceeding. In doing this, I did not undertake to decide, or express any opinion upon, the particular questions of difference between the Govt. and Company. But, referring to that provision of the Charter which requires all such questions to be decided by a board of Commissioners, from whose decision there shall be no appeal, I insisted that the right to have all such questions settled by such a tribunal, and not by an arbitrary decision or measure of the Gov^t^, was a legal right of the Company, to the observance of which the United States was bound to hold Nicaragua.

As well as I can deduce any thing particular from the generalities of your instructions, in this despatch, I apprehend I have complied with them, in anticipation.

Since that, being informed, by the Genl. Agent of the Transit Company, that the Govt. of Nicaragua had issued a decree to tax the Treasure transported across the Isthmus, by the Company, I have, today, addressed a protest to the Govt.[3] against such a palpable violation of the 21st Article of the Amended Charter; and informed it that, if persisted in, the United States would have to interpose, for the protection of the legal rights of her citizens.

Your communication to Mr. Mayorga, sent under cover to Mr. White, and containing, as you inform me in the conclusion of your present despatch, its duplicate, I have sent to its destination, under cover of my communication last above mentioned.

I have the honor [etc.].

[1] Despatches, Nicaragua, vol. 1. Received April 27.
[2] Above, this volume, pt. 1, doc. 1037.
[3] Not found, but see first document in note 1, p. 396, which appears to be an answer to it.

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *March 20, 1854.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, has received express orders from his government, to transmit to the Hon Secretary of State of the American Union, the enclosed copy of a despatch which H. E. the Minister of Foreign Relations of the Republic addressed him on the 19th of February last,[2] protesting against

[1] Notes from Central America, vol. 2.

[2] The following is the translated text of Marcoleta's instruction from his government which he enclosed:

[TRANSLATION]

MANAGUA, *February 19, 1854.*

MOST EXCELLENT Sir: It has been announced in several News papers of the United States of North America, and through other channels, that a company formed of citizens of those states, has purchased a great portion of the Mosquito territory from him who is called, in derision, "Sovereign" of that miserable and uncivilized tribe, for the purpose of planting there an American Colony. In the event of such purchase having really been made, the sovereignty and independence of Nicaragua would be profaned, her interests impaired, her territorial integrity outraged, and the dignity of her Government treated with contempt.

The interest which civilized nations feel, in seeing the principles of the law of nations respected; the sacred considerations which, in virtue of these principles, to the independence and sovereignty of nations, and the statute laws of all Governments, whether weak or strong; and more than all, the uprightness of the Government of the American Union, with whom we live on terms of good understanding and harmony, and with whom we happily maintain relations of sincere and cordial friendship, promise us, that said Government will condemn and prevent the consummation of an outrage which saps at the foundation of international relations, and make us hope, that we shall find among all nations and governments, whose aim is justice and loyalty, that protection and support that are necessary to preserve from harm, the inherent rights of Nicaragua to sovereignty and independence, and those, which in virtue of the same, we possess and preserve in the Mosquito territory.

With these views my Government invokes the friendship of that of the United States, and the justice and interest of all civilized nations, in order that it may preserve unimpaired, its sovereign rights of action, and its virtual sway over the territory inhabited by the Mosquitoes.

And, in the unlooked for event, that said company or any other, should seek to take possession of the territory which it pretends to have acquired from those that have no right to alienate the same, since it is no secret to the world that the so styled King of the Mosquito tribe, belongs, with all said tribe, to the Republic of Nicaragua, and that they are all subjects of her Government; and that the denomination of King, bestowed upon a savage Indian, is and has been properly designated by the American people, as a ridiculous farce, which carries on its face universal condemnation and the contempt of the civilized world;—in such unhappy case, I repeat, my Government, in the name of the state which it represents, protests solemnly, taking the entire world for witness, against the aforesaid purchase, and against any occupation which may be, or has been attempted, on any plea or title whatever, without the consent of the sovereign of Nicaragua, freely and lawfully given in regard to any portion of its territory; said government declares that it never will recognize such occupation as valid, but that, on the contrary,

the project which some citizens of the Union have formed, to colonize the Mosquito Coast, resting their right on a pretended grant made by the predecessor of the actual Chief of those Indians to a British subject of the name of Shepherd residing at San Juan, who, it appears, has since transferred the same to several American citizens.

Although the Undersigned has not been able, as yet, to produce a document to prove the reality of said project and the establishment of a company which has been formed in consequence, under the title of Central America Land and Mining Company, there is nevertheless a Moral conviction of the real and positive existence of such a project, as well as of the company, at the head of which there are persons sufficiently well known; the strangest part of the affair being, that several of the principal members of the Board of directors of the Accessory transit Company of Nicaragua, are those who appear mostly interested in this matter.

The Undersigned, for want of more decisive datas, abstains from making here special mention of other views and projects which are in circulation, with too much the appearance of reality, and which are connected with those of the companies above mentioned. If public rumor is to be believed, and if certain circumstances which are generally divulged, are to be relied upon, it is contemplated to do nothing less, than to violate the laws of both republics by means of an armed inroad into the territory of Nicaragua, for the purpose of taking possession of the line of transit, and monopolize the same in favor of certain individuals who are interested in the accessory transit company.

The Undersigned cannot avoid calling the attention of the Hon Secretary of State to these facts, which are in direct opposition to the rights and interests of a sister Republic, a friend and an ally, where public sympathy is so much influenced by North America, and whose interests are so much bound and so closely united to those of the American Union.

The Government of Nicaragua hopes, with the utmost confidence, that the Government of the Union will take the same interest in these circumstances, that it has always manifested for the Republic, and that it will adopt such measures as it may deem best calculated to prevent a new complication from being added to those which already existed before, for the settlement of the questions of San Juan and of the Mosquito Coast.

Experience has unfortunately sufficiently shewn, that rumors and announcements of such kind of projects and enterprises, however vague they

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maintain the sovereign rights of Nicaragua, and the integrity of her territory; for this purpose, said Government invokes the moral support of all civilized nations, the aid of friendly governments, and it asks from all, that protection due to a cause, which, in as much as it is sustained by reason, civilization and justice render sacred.

The M. E. General Supreme Director desires Y. E. to send this despatch to the

invasion of Lower California; and it was only when it learned the facts, that it hastened, full of the best faith and most sincere regrets, to condemn and to declare such an infraction illegal, concerning which the same vague rumors that are now circulated in regard to the transit line of Nicaragua, and the project of colonizing the Mosquito Coast, had been set afloat.

The designs of various speculators who were trying to form companies and to send vessels and expeditions to Brazil, for the purpose of forcing a passage through the Amazon river, were also known. The newspapers of the Union spoke of these projects in the same manner as they have done, not long since, of the company for colonizing the Mosquito country, and of the objects which said company, and some other, had in view. And if these projects have been set aside and relinquished, it is undoubtedly owing to the firm and decided stand that the Government of the Union was able to take, in order to cause the law of nations to be respected.

Nicaragua, owing to the similarity of her institutions and her government, the community of interests, the sympathy which she professes and which unites her to the United States, thinks, she has more cause and even more right to expect the favor and protection of the American Union against foreign invasions and against the schemes of the disturbers of public order. Nicaragua has identified her moral and material interests with the moral and material interests of the Union; she has just consolidated, by means of an amicable treaty, the old relations and the ties which happily unite the two Governments and nations, and Nicaragua believes that she has nothing to fear, but rather much to hope from the North-American family.

The Undersigned, in compliance with the orders he has received from his Government, has moreover the honor of addressing himself to the Hon Secretary of State, for the purpose of ascertaining whether the Government of the Union, in case of the existence of the pretended "Central America Land and Mining Company" and in the event of the latter attempting to carry out the views which are attributed to it, in contravention of the laws of Nicaragua, will oppose its moral force and the power of its laws, to prevent such an outrage or any other illegal project which unauthorized persons may venture upon.

The Undersigned hastens, at the same time, to assure the Hon W. L. Marcy that the Government of Nicaragua is, and always will be ready to listen to, and to decide upon, according to its sense of justice, any propositions which may be made in due form, concerning any project of colonization or others of a similar character, of acknowledged and common utility, provided that such propositions emanate from respectable persons or companies, who can give competent securities; but, at the same time, Nicaragua not only

to that which is disputed to her and where, up to this day, force has been opposed against the free exercise of that sovereignty; in as much as all such territories constitute and have always formed an essential and integral part of the territory of the Republic, and as such, it was recognized by Spain in the treaty of July 25th 1850, which the Undersigned had the honor of negotiating, concluding and signing with the Government of Her Catholic Majesty.

The Undersigned hopes, with the greatest and most unlimited confidence, that the Hon. Secretary of State of the American Union will take into consideration the contents of this note; and that he will have the kindness, at the same time, to give the Undersigned an answer as soon as possible, replying to the points referred to in the same.

The Undersigned avails himself of this new occasion [etc.].

1265

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *April 18, 1854.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, in fulfilment of the instructions he has received from His Government, hastens to inform the Hon. W. L. Marcy, Secretary of State of the American Union, that the Constituent Assembly of Nicaragua, in view of the powerful reasons that operate, and after mature consideration, has erected this portion of Central America into a Sovereign Republic, free and independent, by conforming, in a legal manner, the existence of a preceding act; and, at the same time, it has fixed the period for the exercise of the Supreme Magistracy, at four years, conferring upon said authority the title of President of the Republic—

The Government of Nicaragua, as well as the governments of the other States of Central America, has not ceased, up to this day, to exert itself, effectively and with constant energy, to promote the re-establishment of the Old Confederacy; but after repeated and fruitless efforts, it has become convinced of the impossibility, at least for the present, of being able to realize so good a project. Material, Political and even local circumstances, have no doubt conspired against a project, which, once realized and carried

[1] Notes from Central America, vol. 2. The receipt date is not indicated.

the interests of both the interior and exterior, by creating a fellowship of interests which is so necessary for the future destinies of the Country.

The Constituent Assembly, in issuing this decree, has thought that the high destinies which Central America may one day be called upon to fulfil, can probably be achieved through other means, and desirous of assisting, in carrying out so stupendous an idea, it has sought to point out the way for a new trial, under a different system. The assembly however has had no thought nor intention, nor does it pretend to break and annul the ties of fraternity which unite Nicaragua with the other sections of Central America: on the contrary, the Constituent Assembly is disposed to march with them towards the common object, provided that the means employed, are calculated to induce effective harmony, and a favorable and definite result.

The Undersigned has been especially directed to say to the Hon Secretary of State, that H. E. the President of the Republic of Nicaragua will continue to cultivate the best understanding with his brothers of Central America; at the same time that he wishes and will strenuously endeavor to maintain friendly relations with all powers, and especially to draw closer, more and more, those which, at this day, happily unite Nicaragua with the United States of the North, from whose friendship and sympathies, he expects those good offices, which are the more proper and natural, that they spring from fellowship of interests and the similarity of their political institutions.

The Undersigned, in making the foregoing communication, avails himself of the occasion, and has the honor [etc.].

1266

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *April 22, 1854.*

The Undersigned has the honor of calling the attention of the Hon Secretary of State of the American Union to the contents of the enclosed copy of negotiations which have lately been entered into, at *San Juan del Norte*, between the Agent of the transit company and the intrusive authorities of that port, for the purpose of obtaining a concession of considerable portions of land, on the two margins of the Bay, for the particular objects of said company.

On the 5th of March 1852,[2] the Undersigned had the honor of sending a communication to the Department of State, concerning the violations com-

[1] The exact date is not indicated.

least reply to that note, nor is he aware that the government of the Union has taken the slightest steps to restrain the excesses and encroachments of the pretended authorities of *San Juan*, composed, for the most part, if not entirely, of persons whose object is none other, than that of gratifying an ill-disguised cupidity.

It is worth noticing the contradictions which Don J. L. White, the agent of the company, falls into, who, declaring that he does not recognize the system and order of things at *San Juan*, nor its pretended authorities, and proffering advice to the latter which said agent is not competent to give, he attempts to form a definite and permanent contract with the Council of the city, and by the authority of the same.

The Undersigned has just intimated to the President of the Transit Company, that whatever innovation may be introduced in the present *Statu Quo*, will never be recognized by Nicaragua, and that, to the company alone, will have to be imputed all the consequences, which may result, in future, by acting in a contrary sense.

By such conduct, the transit company has been guilty of aggression upon the Sovereignty and the just rights of the Republic of Nicaragua, it has mistaken its duties, it has sought, for particular and well known objects, to stir up difficulties for the future, and has added one more cause to the well-founded mistrust of the President and of the Country.

Moreover, the Canal company has no right nor title whatever to possess lands within four and a half English miles of the mouth of the river *San Juan*, in the Atlantic, and the transit company cannot even invoke the 27th article of the original contract, by which eight lots of land are granted to the same, with certain restrictions, the one which has just been commented upon being the most important.

Thus much with regard to what relates to the Canal and Accessory Transit Company.

With regard to what justice, equity and sound reason require, the Undersigned is firmly convinced that, as to the question of *San Juan* and the Mosquito Coast, the strictest *Statu Quo* ought to be observed by all the parties interested, either Justly or unjustly, in said questions.

The Undersigned is desirous of calling the particular attention of the Secretary of State to this point, in order that, out of proper deference to the principles of a prudent and impartial policy, he will be pleased to intervene energetically, with a view of putting an end to, and bringing at once to a close, as far as possible, those excesses and encroachments which are daily

committed by the adventurers who have possessed themselves of the port and City of *San Juan;* who, with the greatest impunity, set at defiance the principles and rules of policy adopted by the Government of the Union, and violate the just rights, which the latter has always recognized in the Republic of Nicaragua, to the whole of that territory.

The Undersigned, hoping that the Hon Secretary of State will take into consideration the subject treated in this note, avails himself of the opportunity [etc.].

1267

Mateo Mayorga, Minister of Foreign Affairs of Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

MANAGUA, *April 24, 1854.*

SIR: The undersigned, Secretary of State in the Department of Foreign Relations of the Republic of Nicaragua, has the honor to advise his Excellency W. L. Marcy, Secretary of State of the United States, that he has received his despatch of the 3d of last February, enclosing copies of his instructions of the same date to Mr Borland,[2] Envoy extraordinary and Minister plenipotentiary of the United States: stating, that the American Government will not look with indifference upon the injuries and molestations to which the Accessory Transit Company is exposed on the part of Nicaragua, according to the many complaints which have been laid before that Department concerning the embarrassments that constantly occur in the prosecution of its business solemnly guarantied by this Government; expressing at the same time a regret that its expectation that the differences between the parties would be satisfactorily adjusted, especially after the said Mr Borland had kindly agreed to intervene as mediator, had not been realized. Mr. Marcy also remarks, that although it is not the intention of his Government to assume any responsibility which is not legitimately within the sphere of its action, he has received orders to instruct Mr Borland to exert all the means in his power, with the object of securing the Acessory Transit Company in the full and free enjoyment of all the rights and privileges guarantied by the terms of their contract, and to lend his good offices whenever the Government of Nicaragua appears inclined to impose upon them unnecessary or unjust restrictions.

The undersigned would content himself with enclosing (as he does en-

[1] Notes from Central America, vol. 9. The receipt date is not indicated.

close), to Mr Marcy, a copy of the despatch which he addressed, on the 14th of last March, to Mr Borland,[1] upon the subject in question, in order to

[1] No enclosure, dated March 14th, is with this note; but, a copy of one, dated March 18, probably due to an undetected copyist's or translator's error, does accompany this note as an enclosure, and appears to be the one referred to. In the original Spanish text of this note of April 24, as well as in the translation of it, the date of the Nicaraguan Foreign Minister's communication to Borland is, unmistakably, March 14. No Spanish text of the latter communication is in the manuscript volume, but only a translation, evidently made in the Department of State (and contemporaneously). No evidence has been found, in Borland's correspondence, that he sent to the Department a copy of this note from Mayorga to him, nor the one mentioned in it, the text of which follows in this publication. Since Borland did not choose to send them to the Department, they are being included in this footnote instead of being treated as body of page material under their own dates. Borland's despatch of March 11, 1854, above, this part, doc. 1263, states that on that date he was addressing a protest to the government against what he considered unfair treatment of the Transit Company; but he did not enclose a copy of his protest. That may have been his communication No. 20 to Mayorga, acknowledged by the latter in the first sentence of the following note:

Mateo Mayorga, Minister of Foreign Affairs of Nicaragua, to Solon Borland, United States Minister to Nicaragua

No. 21 MANAGUA, NICARAGUA, *March 18, 1854.*

MOST EXCELLENT SIR: My Government is advised of the contents of the despatch of your Excellency, No. 20, [Not found in the manuscript volume.—Ed.] and of the copy enclosed therein to me of the communication which the General Agent of the Accessory Transit Company in Nicaragua addressed to it on the 6th inst., [Not found.—Ed.] and by order of his Excellency the General President I have the honor to submit to you the following reply:

In my despatch No. 18, a duplicate of which I herewith transmit in case it may not have yet reached your hands, [No document bearing this number was found, but there is an enclosure No. 8 which appears to be the one cited, and is printed below, following this No. 21 of March 18.—Ed.] I stated to your Excellency that my Government neither desires nor has attempted to make war upon the Company by illegal measures in violation of the contracts concluded with them; that, on the contrary, it wishes and seeks a reasonable settlement of the questions at issue between the two parties, and that it was only when the Company should oppose an arrangement like the one last effected with its Representative M. Tejada, which, however highly favorable to the Company, does not bear so heavily against this Republic as not to be consented to for the sake of a harmonious result; or, when disregarding the *ultimatum* of my Government it should not present itself at the conclusion of the forty days which had been assigned by its arbitrators, with the books and records necessary to effect the liquidation of whatever may be due to Nicaragua, and adjust all the differences yet remaining unsettled, that my Government would adopt measures tending to the protection of its interests, without violating the principles of universal justice, and without detriment to international laws.

Frankness and integrity govern the acts and operations of the present Administration of this Republic, and your Excellency therefore must rest assured that there will be nothing wanting on the part of my Government in the line of conduct it intends to pursue towards Acessory Transit Company, according as I have marked it out.

The measure of which the present Agent of the Company, Mr. Cushing, complains, is perhaps the decree No. 581, a printed copy of which I herewith transmit to your Excellency. If such be the case, it is very easy to perceive that there is no cause for complaint. That measure is merely a re-enactment of what had been established by the tariff regulations in force in Nicaragua, promulgated by the Federal Government of Central America on the 27th of February 1837; a re-enactment made for the purpose of determining distinctly, that all revenue arising from duties imposed upon gold and silver exported from the country belongs entirely to Nicaragua, while during the confederacy only a portion of this revenue fell to her share, said of [illegible]

prove, that on the part of Nicaragua no hostile designs have been harbored against the Company, but, on the contrary, that the best disposition has been always entertained to protect it in the prosecution of its business, and to settle all differences with it in an amicable manner. But now that the

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by the Company, would be an infraction of the 21st article, a copy of which your Excellency encloses to me in your aforesaid despatch, No. 20. But it is precisely on account of the effect which said decree might have upon the contracts entered into between Nicaragua and this Company, in regard to the Canal and Transit question, that my Government fixed a period of forty days before the provision alluded to could go into force; it being the intention of his Excellency the General President to suspend or annul its operation in case the Company agreed to the *ultimatum* of my Government, as likewise, in case of a refusal by the Company, to cause said decree to be fully carried out; for then, the Company, by violating the contracts on its part, relieves Nicaragua from any obligation to respect them. It should not be forgotten that the forty days designated to elapse previous to carrying into effect this provision began to run when the term fixed by the present ultimatum had commenced running no less than twelve days; that is to say, that the foresight of my Government had even provided for any unforeseen delay which the Company might experience in ratifying the Convention of M. Tejada, or in selecting its arbitrators, as it was informed.

It depends upon the Company, therefore, whether the aforesaid provision shall be carried out or not, and whether the contracts made with it shall be observed by both parties; inasmuch as, if the Company infringes them, they can have no binding effect upon my Government.

The High Government of the American Union, in its despatch addressed to you under date of the 3d of last month, [Above, this volume pt. 1, doc. 1037.—Ed.] a copy of which was also transmitted to the undersigned [by the?] Secretary of State, stated that it cherished a hope that, in the above pending questions with the Company, your Excellency would have acted in the capacity of mediator; although, of course, in an extra-official character.

Your Excellency will recollect that such were from the beginning the wishes of my Government; that, for this purpose, you were then informed of the actual condition of things up to that time; and that even before it had been able to come to any agreement with M. Rafael Garcia Tejada, then the duly authorized agent of the Company, the undersigned solicited from you an expression of opinion upon the subject, which, for reasons set forth in your reply, you thought proper to decline.

My Government confidently expected, as it was natural, that the Company would adopt the arrangement concluded with its representatives; but these expectations have been disappointed: and the questions at issue have shifted their ground, and unfortunately assumed an aspect of graver importance. Therefore his Excellency the General President and the undersigned; who are desirous and solicitous for an amicable settlement of the dispute rather than a rupture; who rely above all upon the high character and liberal sentiments of your Excellency, and who are intimately convinced of the justice of the cause they advocate, would cheerfully defer the decision of this subject to your Excellency, whom they at once accept with the utmost confidence, on the part of Nicaragua, in order that as sole arbitrator you will adjust and accommodate with full powers each and every one of said questions. If your Excellency should be pleased to undertake this charge you would render an important service to the Company and to this Republic, which will be grateful to you for the same.

Such is the frank and sincere disposition of my Government that it would be much gratified if, as it expects, this proposition were favorably received by your Excellency, to whom the undersigned has the honor [etc.].

The following is the text of the document which is, apparently, cited in the second paragraph of the foregoing note of March 18 [possibly it should be March 14]:

Mateo Mayorga, Minister of Foreign Affairs of Nicaragua, to Solon Borland, United States Minister to Nicaragua

quest of H. E. the General President.

Transit Company, has the honor to transmit to his Excellency, the Minister of the United States, the annexed documents relative to the negotiations which have been carried on in New York and in Nicaragua for the liquidation and payment of the ten per cent of the nett profits, which, according to the contracts concluded with the Canal and Transit Company, are justly due to Nicaragua.

Without entering into a detailed investigation of the causes which have rendered abortive all the efforts of the Government to induce the Companies to comply with the terms of their contract with Nicaragua, the undersigned will simply confine himself to recapitulating to your Excellency what has been done in reference to the matter, up to the present time.

According to the tenor of the 6th. article of the contract of the 22d of September 1849, and of the 1st article of that entered into on the 14th of August 1851, the Canal and Accessory Transit Companies engaged to pay the Government of Nicaragua, among other sums, ten per cent. of their nett profits, without any deduction whatever; said Companies binding themselves moreover, by the 7th article of the first of these contracts, to present annually an account of receipts and expenditures.

Up to this time the Companies have complied with neither of said obligations, while the Accessory Transit Company has taken still more decided steps; seeing that it has assumed the power to declare on the 1st June, 1852, a dividend which was distributed amongst the stockholders without previously deducting, as it was bound to do, the ten per cent. which belonged to Nicaragua; an act which could not be committed without manifest violation of the faith pledged in the aforesaid contracts.

The truth of these facts cannot be called in question, and his Excellency Mr Borland, of whose liberal views, probity, and love of justice my Government has formed the just estimate they merit, will comprehend very readily how much reason Nicaragua has for complaining of the proceedings of the Companies, whose conduct is calculated to convey the most unfavorable impressions.

The Government looking upon these facts as susceptible of a construction little or not at all creditable, and the conduct of the Companies not having inspired it with that confidence which in the beginning the personal character of some of their members had led it to conceive, it designated his Excellency Don José de Marcoleta, its Minister at Washington, and Mr Thomas Manning, a subject of Great Britain, to make an examination of the books, and receive and collect whatever sums might be ascertained to be due to Nicaragua.

It moreover gave full authority to its Minister Plenipotentiary, Don José de Marcoleta, to make any arrangement with said Companies that the occasion might require, and if necessary to enlarge, restrict or modify the contracts of September 22d, 1849 and of the 14th August, 1851.

What have been the consequences and what the proceedings of the Companies in this matter, his Excellency Mr Borland will easily ascertain by simply perusing Document No 1, which our Minister Plenipotentiary published in New York, a copy of which is annexed to this despatch. [Not found.—Ed.]

In fact, the Companies disavowed the authority of the Minister, not only with regard to his commission for liquidating, but as to the powers which had been vested in him to settle anything which might have occurred: they having refused to recognize the arbitrators which, by virtue of his powers, the lawful representative of Nicaragua had appointed, as it has been expressed. This act shows that, on the part of my Government, the greatest efforts have been made to obtain a pacific and amicable settlement of the questions at issue with the Companies, carrying its forbearance even beyond the point that it felt justified in doing; and that on the part of the said Companies every possible obstruction has been thrown in the way of those legal means which might have tended to bring about the desired result.

In said document, No. 1, may be noticed the advice and opinions emanating from the eminent authority of that distinguished American lawyer, Mr Lord, whose reputation for uprightness and learning is justly appreciated and acknowledged in all the States of the Union.

The energy displayed under these circumstances by our Minister Plenipotentiary; the unanimous expression of opinion by the American press of all parties; the discredit into

The Government of the Republic has no knowledge of the several reclamations to which Mr Marcy alludes in the despatch addressed to Mr Borland; and entertaining, as it does entertain, the firm persuasion that, on the part of Nicaragua, the stipulations of the contract with the Company have been

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which the Companies and their stock were daily falling; the changes which took place in the *personel* of the Board of Directors, and various other causes of greater or lesser consequence, compelled these Companies to come to some understanding among themselves, and to make an effort to palliate or lessen the errors which they alone had committed.

For this purpose they selected Judge J. W. Edmonds, whom they commissioned to enter into negotiations upon the subject with the Government of Nicaragua. The latter listened to the propositions of the new Commissioner, but not finding him invested with the necessary authority, they declined entering into any arrangement with Mr Edmonds. This absence of the requisite powers is another proof that the Companies do not desire a serious and formal settlement, but that they only seek to introduce delays and procrastinations.

The propositions of the Companies' Commissioner were limited to the modifying of the 2nd article of the contract of August 27th, 1849, by stipulating for the construction of a canal of smaller dimensions, in place of the one they had contracted for, for vessels of the largest capacity, according to the terms of said article. Although he offered to make immediate payment of whatever might be found due to the Government of Nicaragua, he proposed as a condition that Commissioners should be sent to New York at the expense of the Company for a final settlement of this matter. He moreover proposed in writing that, for the 10 per cent of the net income accruing to the Government, there could be substituted a contribution by the Company to the Government of two dollars upon every passenger; but this last proposition was afterwards amended by augmenting the capitation tax to three dollars, and such was the final offer made on several occasions by the new Commissioner of the Companies, as it is proved by the letter of the ex-director Don José Laureano Pineda, deceased, the original of which I transmit to you marked "No 2." [Not found.—Ed.]

Mr Manning having subsequently returned to New York, he took upon himself to make new proposals to the Companies, which they refused to accept, as is indicated by document No. 3. [Not found.—Ed.]

At the same time, the Accessory Transit Company delivered to Mr Manning a despatch, dated April 2nd, 1853, in which it was offered to pay the Government thirty thousand dollars ($30.000) for the ten per cent. on the nett profits which had accrued in the course of the years 1852 and 1853 up to the first of August; proposing moreover to substitute for the 6th article of the contract of September 22nd, 1849, another in which it should be stipulated that the Company should pay the Government two dollars for every passenger crossing the isthmus, and declaring that this new provision should continue in force for three consecutive years, by way of experiment.

At a subsequent date the Company empowered Don Rafael Garcia Tejada, a resident of Granada and a citizen of this Republic, to make the following propositions to Government in their behalf.

1st. To place at the disposal of Government, the sum of thirty five thousand dollars ($35.000), as the amount of the ten per cent of the nett profits from the time the transit commenced up to the 1st August, 1853.

2nd. To amend the 6th article of the contract of September 22d, 1849, by substituting another whereby he engaged to pay two dollars for each adult passenger that should cross the Isthmus by any route or road which might be established.

His Excellency, the General Supreme Director, was pleased to order that amendments should be made to these propositions, which your Excellency will see were founded on reliable data, such as he had every reason to consider as correct and just. With this object, the following modifications were submitted to M. Tejada, on the 20th of June last, as an *ultimatum* in the matter: 1st. That the Accessory Transit Company should pay in full satisfaction of the ten per cent. of the nett profits due up to the 1st of August, 1853, the sum of forty-five thousand dollars ($45.000), instead of the thirty-five thou-

the contrary, if it were possible, as in fact is the case, for either of the con-

asking forty-five thousand dollars, that is to say, ten thousand dollars ($10.000) more than what the Company offered for the whole following year up to the 1st of August 1853. The annexed copy, marked No. 4, [Not found.—Ed.] will give your Excellency an idea of the accuracy of the calculation by which my Government concluded to demand forty-five thousand dollars ($45.000) instead of the thirty-five thousand offered by the Company, and that this demand is not only just and equitable but exceedingly moderate. 2nd. That the Accessory Transit Company should pay three dollars for each adult passenger crossing the Isthmus, so long as trade continued to be carried on by the present route, or at any other insulated point of the Republic: two and a half dollars if the route of transit should connect with any of the interior towns, such as San Jorge or others of a similar character; two dollars if the transit route should be established by the Great Lake, stopping at Realejo, and connecting with the intermediate points. In every instance children over five years shall pay one dollar.

The Government demanded at the same time, by way of loan, the sum of fifty thousand dollars, at an interest of six per cent., for the future payment of which one half of the tax upon passengers was to be pledged. In making this last proposition, his Excellency, the General Director, proposed to pay the sum due by Government to Mr Manning, in one year, for which payment all the interest which it possesses in the Canal and Transit Companies was to be hypothecated. And finally, his Excellency the General Director stated, that in case his propositions should not be accepted, and Agent of the Companies was to present himself at Managua with the account books in order that after an examination of them the amount which the Government had to receive might be liquidated, and the payment thereof be proceeded with immediately, or at any time specified by the arbitrators, in case of any dispute or controversy arising. But the Companies, who have lost no occasion to avail themselves of the most insignificant pretexts for the purpose of eluding the fulfilment of the solemn engagements into which they had entered, have pretended to misunderstand the precise terms of the application which was made to them through M. Tejada; have represented the propositions of the Government as extravagant, rejecting them with such rudeness and incivility as could not fail to shock the good sense of the American people; and finally they have pretended to understand that they are threatened with extraordinary measures unless they accept the aforesaid propositions; whereas nothing could be more definite than the requirement contained in my last despatch, asking them to present themselves here with their books for a settlement, or for the appointment of arbitrators, according to the stipulations of their contract; and that it was only in case of their non-compliance with this, that resort would be had to energetic measures. But it is clear that Government will not be reduced to this extremity, unless in the extreme case of its just claims not being attended to; when it would be ready to act, if the Companies, consulting their true interests, and listening to the voice of duty and of honor, direct their steps through the path of justice. I leave it to the impartial and enlightened consideration of Mr Borland to decide upon the gratuitous charge of extravagance, applied by the Company to the amendments proposed by my Government. The latter demands, by means of a capitation tax, precisely what the Companies had promised through their Commissioner, Judge Edmonds; and, as a commutation of the ten per cent., a much lesser sum than that which, according to all data and precedents, Nicaragua would be entitled to if she was paid the full rate of ten per cent.

The undersigned regrets to inform Mr Borland, that it is in consequence of this conduct on the part of the Companies, in rejecting with such marked discourtesy the propositions of the General Director, the matter in question continues to suffer those procrastinations and delays so much deplored by this Government, inasmuch as the delay in collecting the money occasions considerable losses to the State, which is now actually paying Mr Manning interest at the rate of eighteen per cent a year upon the money it owes him.

The General Supreme Director conceives that he has a right to demand from the Transit Company, by way of compensation, the eighteen per cent which is accruing in Mr Manning's favor, in consequence of its having been the fault of said Company that the moneys which this gentleman claims from the Government have not been paid, and for having thrown every kind of difficulty and obstacle in the way of said pay-

tracting parties to have causes of complaint, these are all on the part of Nicaragua, and the undersigned proceeds briefly to inform Mr Marcy of some of them, in order that, upon examining the same, he may form a correct opinion on the subject.

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ment, at the sacrifice of honor and good faith. Upon all these points, as well with regard to the omission of the Companies to present annually a statement of their receipts and expenditures, according to the provisions of the 7th article of the contract of the 27th of August, 1849, to which I have alluded in the commencement of this despatch, his Excellency the General Supreme Director desires that I should call the attention of your Excellency, the Minister of the United States, as I have the honor of doing by stating to you that it would be a source of great satisfaction to my Government to see the rights of Nicaragua recognized by a person so eminent and distinguished, and of qualities so elevated as those which adorn Mr Borland.

The documents which the undersigned transmits [Not found.—Ed.], such as the correspondence between Messrs Marcoleta and Manning with the Companies; the report of the former which accompanied a Summary of the case, with his own observations thereon, as well as those of Mr Lord, advocate and legal adviser of the Government, concerning what should be the interpretation of capital, evidently prove, on one side, the solid reasons the Government has for complaining of the proceedings of the Companies, and on the other, that said Companies have only sought pretexts and delays for the purpose of evading the fulfilment of their obligations to Nicaragua. My Government therefore believes that in case said Companies should not accede to the last propositions made to them herewith by his Excellency, the General Supreme Director, it will be a matter of absolute necessity to resort to the arbitration provided by article 33d of the original contract, and confirmed by that of the 14th of August, 1851.

This arbitration must take place in Nicaragua, both because here was the place where the contracts were made, and because in the Act of incorporation the Companies recognized and constituted themselves as Nicaraguans, and as such they subjected themselves to the laws regulations and authorities of the country, without the power of evading them. Such was the declaration of the Companies themselves when they assembled in New York for the purpose of appointing arbitrators; they sought to shield themselves under the plea, that, belonging to the State, the arbitration ought to take effect there, amenable as they were to the laws and tribunals of Nicaragua. From this obligation it clearly follows, that the Companies ought to appoint an agent here, with the books and other documents necessary for the settlement that is to be made; otherwise the appointment and meeting of the arbitrators would be delusive and unprofitable, because they would lack the papers requisite for the complete discharge of their duties. If the Government has overlooked the fact that the Companies have their principal officers in New York, the endurance or toleration of such a circumstance implies no rights on their part; it is only another proof of the generosity with which Government has always acted in respect to these Companies; and it is the height of injustice, of absurdity and ingratitude, to convert an act of liberality and of generous deference into a cause for refusing to fulfil a duty, such as that which is incumbent on the Companies to appoint its arbitrators here, and either in person or by attorney to produce the documents necessary for effecting said settlement. This duty then, appears to be unquestionable; and I confidently hope that the Hon. Mr Borland will look at it in the same light.

Notwithstanding that the Government has had the best of reasons for adopting severe measures, annulling the contracts which have been as injurious to the State as they have been profitable to the Companies, nevertheless it has refrained up to the present time from taking this step, out of just consideration for the American people, who do not in any way sympathize with the sentiments which animate said Companies.

It is to be hoped, therefore, that if his Excellency, Mr Borland, takes upon himself to give prudent advice to the Companies, the latter, acknowledging their past errors, will at last enter upon the path of reason, of equity, of justice and of gratitude.

The Companies have complained of pretended injuries which they say they have suffered by the detention of their steamboats on the route. This charge has already been triumphantly refuted, by the Government in its despatch of the 26th of January of the present year, addressed to Mr Edmonds. If the Companies had not abused the gener-

1st. All the rights and privileges which are conferred by the Transit contract proceed from the original Canalization contract, and four years have already elapsed without a single step having been taken by the Company to carry out the great work for which it was incorporated; unless it be an imperfect reconnoissance of the route, and an estimate of the cost of the work, and even these reconnoissances have not been communicated by the Company to the Government as it was bound to do, notwithstanding that a request to that effect had been made through our Minister Plenipotentiary at Washington.

2nd. Said Company has evaded, by every means within its reach, without pausing to consider the character of such means, the payment of that which was justly due to Nicaragua, refusing, to the great detriment of the Republic, to ratify the convention which the representative of said Company, M. Tejada, concluded with the Government on the basis of 10 per cent of the nett profits, which was due under the old contract, and the substitution of a capitation tax in place of this ten per cent; a refusal the more suspicious and remarkable inasmuch as M. Tejada had adjusted the very terms of the agreements referred to, guided by instructions which had been given to him to that effect, which instructions had been exhibited to my Government; and it was in consequence of this that the latter entered into arrangements with said M. Tejada; for which reason it was not presumable that the Company would disown the signature of their Representative which was executed in conformity with the basis laid down by said Company. Who would not be surprised, who would not be indignant at such irregular procedure?

3d. The Agents of the Company do not demean themselves towards the authorities of the Republic with the courtesy and decorum which are due to them; those whose duty it is to conduct the correspondence are met with coolness, while the officials of the Government are treated with indignity.

4thly. And that which merits particular attention from the Government of

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contracted with certain citizens of Nicaragua, by virtue of agreements entered into with them, they would have prevented the latter from appealing to the competent Courts whose duty it was to detain, as in fact they caused the detention of their vessels.

What is a better proof that the local authorities were in the right in the two cases alluded to, is the fact that the vessels were permitted to continue their trips as soon as the Agents of the Companies had paid what was due; and that if there has been any cause of complaint in this matter, those who were implicated in the contraband trade should not be the parties to prefer it, seeing that they have been treated with excessive lenity; for, if strict justice had been done to them, the aforesaid vessels would have been confiscated, according to the provisions of our legal code.

The undersigned thinks he has said enough to enable the enlightened and unimpassioned judgment of his Excellency, Mr Borland, to perfectly understand the rights of Nicaragua in the vexatious questions which have been stirred up and are still kept alive by the Canal and Accessory Transit Companies; and the Government of Nicaragua has sufficient evidence of the integrity and good faith of the worthy representative of the Government of the American Union, in Central America, not to feel confident that he will exert all his influence to the end that these rights shall be acknowledged and

affected; the Agents of the Company have crammed this Department with claims which are destitute of common sense and have not the slightest foundation in good faith, by protesting against injuries which have resulted from the measures adopted by the intruding authorities of San Juan del Norte, while the Company is well aware that Nicaragua is unable to change this unfortunate condition of affairs without the intervention of some great and vigorous power, like that of the United States, whose protection has been sought in the expectation of obtaining it with the consummation of the Canal and Transit contracts, as it was thought to unite the interests of the Republic of North America with those of Nicaragua, by granting privileges to a portion of American citizens; and the conduct of the Company would seem much more shameful, if, according to information in the possession of Government, the authenticity of which it has ordered to be ascertained, it were the fact that Mr J. L. White, Advocate, Counsellor, and General Agent of said Company, on his passage to San Juan del Norte, proposed to a committee or meeting of foreigners residing there a measure for granting the free navigation of the waters of the river San Juan, within the limits established by Mr Chatfield, British Consul in Central America, with the sole object of harassing the Government with claims, which, without affecting in the slightest degree its responsibility, redound to the disgrace of the Company; which ought to use its efforts towards re-establishing Nicaragua, from whom it has received immense benefits and by whom the enormous sums it has obtained were furnished, in the full enjoyment of its sovereignty in the territory of San Juan del Norte and the Mosquito coast. If these shameful proceedings of Mr White should prove successful, the undersigned will bring them to the knowledge of that Cabinet, without relinquishing the right of adopting suitable measures.

But far from manifesting any disposition to act in conformity with the true spirit of its contract, by performing the promises which were made at the time of the negotiation and which are to be inferred from a natural interpretation of the same, considering the circumstances under which it was consummated, the Company has set itself to work to stir up against the Republic every species of dispute and difficulty; one of them being, according to information received and the popular belief, that they are now trying to effect the purchase of the Mosquito territory from the supposed King of that Tribe; an act which throws discredit upon the members which compose said Company as individuals of an incorporated society in this country, and as citizens of a Republic which has denied in the face of the world, the existence of a savage monarchy within the territory of Central America. Upon this subject your Excellency must have seen the protest of the undersigned, which must have been brought to your knowledge by the Envoy of Nica-

By despatch No. 8, addressed to Mr Borland, a copy of which the undersigned has likewise the honor to transmit herewith,[1] will be presented in greater detail to Mr Marcy the unsatisfactory conduct of the Company in regard to a country which sustains its undertaking, and the efforts which the Government has made to put an end to the misunderstanding in a friendly manner and mutually beneficial to both parties.

The undersigned trusts that this statement of facts will convince Mr Marcy of the uprightness of the proceedings on the part of my Government towards the Company, and the unlooked for manner in which the latter has responded to the kindness and cordiality with which it was received and has been regarded by Nicaragua; and he hopes with no less confidence, that the honorable Cabinet at Washington will know how to appreciate in a true point of view the idle complaints which may be addressed to it in future on the part of the Company for the purpose of creating a prejudice against this country which professes the most friendly sympathy towards all American citizens and has received with the utmost kindness those among them who have travelled over its territory; and to provoke the displeasure of the Government of the Union, in order that, under its shadow they may carry out the selfish designs they harbor.

The undersigned has the honor [etc.].

1268

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [2]

[TRANSLATION]

WASHINGTON, *May 4, 1854.*

The Hon. Secretary of State of the American Union is already informed, at least, he is morally convinced, that there exists in New York an association composed of American Citizens, called "*Central America Land and Mining Company,*" whose object is the colonization and working of the lands, woods, and mines of nearly, if not all, the territory and Coast of Mosquito. This company derives its title and rights from a pretended grant, made in 1838 and 1839, by the late grandfather and father of the present so called Mosquito King, to certain merchants of Jamaica, by means of a few bottles of rum, with which they enlivened the head and excited the blood of the savage chief.

In order to explain this matter and to demonstrate clearly the fraud by which it is sought to allure and to deceive the public, and for the purpose of

protested and protests against the invasion and violation of her rights, the undersigned will proceed to relate the history of this scandalous fraud and the origin of the deception by which it is sought to impose upon the American Government and the American people.

On the 24th of January 1839, The so-called King Robert Charles Frederick, now dead, ceded in favor of Peter and Samuel Shepherd, and of Estanislas Thomas Kaly, English subjects established at Jamaica, all the territory situated between the Southern shore of Rio Grande (Great river) and the northern borders of Rio Grande de Blewfields (Blewfields main river) as far as the district inhabited by the Spaniards on the west side, and the shores of the sea to the eastward. Besides this, all the district and territory situated between the southern borders of Blewfields Main River, and the northern margins of the river of San Juan de Nicaragua, as far as the portion peopled by the Spaniards at the West and the shores of the sea to the eastward.

On the same day, the pseudo King ceded likewise to the same persons, with the assent of his Council, composed of English adventurers, all the land comprised between the southern borders of the river San Juan de Nicaragua, following the southern coast, comprising the Boca del Toro and the lake of Chiriqui; from thence, as far as the cliff called King Bappan, bounding on New Granada; and from this cliff, in a direct line towards the south, as far as the chain of mountains which divides the two Oceans, and the Spanish settlements; from whence, turning in a direction parallel with the sea, it followed a line until it again struck the river of San Juan de Nicaragua.

In the month of June of the same year, 1839, the Indian chief ceded, in the same manner, to the individuals above mentioned, the island called *Corn Island* adjacent to the Mosquito Coast. On the 20th of September 1838, the so called King had relinquished, in favor of an English subject, residing in London, of the name of John Sebastian Renneck, all the river Patook situated in Latitude 15°, 48 north and 84°, 14 west, at a distance of 40 English miles from the mouth of the Black river, E. S. E., together with all the territory adjoining the river Patook; that is to say, 10 English miles from both banks of the river and from the mouth of the same, as far as the Spanish settlements. The privileges granted to all these men were such, that by means of the clauses contained in the transfer, they could exercise the rights of sovereignty, having even the right to levy all kinds of imposts upon personal and real property, and upon imposts and exports of all articles of trade. Up to this period, the British government had taken no part in any of the aforesaid transfers, which were carried into effect, without its intervention or authority.

On the 25th of February 1840, this singular monarch of Mosquitos made a will, in which for the first time in the modern epoch, we discover the inter-

Regent of the Kingdom during the minority of the heir. In this manner, the Mosquito Empire was divided between some English subjects of Jamaica.

A literal insertion of all these *documents and state papers*, and those relating to the transfer aforesaid, and a scrupulous analysis of all of them, would suffice to bear out the truth and correctness of a statement, which, but for this, would appear improbable & fabulous.

The Undersigned will now proceed to shew, who were the persons who subsequently took the preliminary steps for the recovery of the territories which had been alienated by the pseudo King Robert and his immediate successor.

Samuel and Pedro Shepherd, Estanislas Tomas Kali, John Sebastian Renneck, and Mateo Enrique Willok, conjointly with other British subjects of Belize and of Jamaica, owners of immense tracks [tracts?] of Mosquito territory, seriously contemplated to obtain possession of as much as possible of their respective acquisitions. They converted these so called property titles into a species of stock, which was negotiated at the exchanges of Belize, Jamaica, and even in London. This paper never stood very high, because mercantile men had not sufficient confidence in the original titles nor in the Sovereign rights of the Mosquito King. But some British Subjects had a property interest in the question; and, above all, a degree of importance was already beginning to be imparted to the Isthmus of Nicaragua and reliance was placed in the facility for opening through it, a great interoceanic communication.

From this moment, the ambition of the holders of these titles knew no bounds, which is the case with those who are now in possession of these so called privileges and these supposed and false acquisitions. They all disputed, with obstinacy, the property of their neighbors, the landmarks and boundaries of their empire, as if they had, in reality, already been established there, and in the exercise of their sovereign rights, and of every thing else, which the pretended King of Mosquito renounced in their favor.

Colonel Macdonald, little accustomed to reconcile differences between *those sovereign States of Mosquito* began to get so much alarmed at such an accumulation of claims and conflicting pretensions, that upon the introduction of some Prussians in the business, he determined at last to venture upon a *coup d'etat* which destroyed the plans and dissipated the illusions of the new Sovereigns.

The solution did not appear doubtful; he only wavered between the alternative of declaring solemnly that those acquisitions belonged to English subjects and of pronouncing upon the validity of the same, under the protection

of the British Government, or of annulling these transfers involving the English holders in the ruin and reinstating the Mosquito King in all his former rights of property and dominion, which he had previous to these alienations. This last expedient seemed the most preferable and was finally adopted by Colonel Macdonald, who advised the Mosquito King accordingly. This was the origin of the decree of May 23d 1841, which annulled all the transfers, in consequence, so says the decree, of such cessions having become extinct, according to the laws of England, which are in force in Mosquito, concerning real property.

Nevertheless, this decree did not produce the effects nor the results which were expected from it; in as much as the Prussians succeeded in combining and realizing the plan of colonization, which was carried out with the good will of the King of Prussia, who protected the enterprise.

The right which operated in favor of the Prussians, had the same semblance of reality as that of the English holders.

A Prussian colony was, therefore established at Blewfields, of which not the slightest vestige now remains: and it happened that while the rival intentions of the English holders were being manifested, there was developed the cupidity and desire of Prussian acquisition, supported by semi-direct and semi-official manifestations on the part of the King of Prussia.

At the time, when these last occurrences took place, the Regent Macdonald had already fallen under a severe attack of illness, and Mr. Walker, whom a Nicaragua ball, at the subsequent capture and attack of San Juan, taught the value of law, reason and Justice, was already agent and Consul General of Great Britain, Counselor, tutor and General Minister of the Mosquito King.

Walker, on finding that the Prussian pretensions threatened his authority and compromised his politico-administrative rank and position, determined, at last, to complete at once, the blow previously struck by Colonel Macdonald, by *annulling* all the acts of transfer and sale, previous to the 8th of October 1841. This measure had become so urgent, that the pretended King of Mosquitos neither wavered nor shrank from declaring, at the suggestion of Walker, that his father and even his grandfather *were intoxicated*, when they made such transfers.

The decree says:

> In as much as, it is notorious that nearly all, if not all, the transfers of land made in Mosquetia were *improperly* obtained from the deceased King; *who never received any equivalent for the same*, nor have the services promised been rendered; and *whereas many of the transferred obtained said transfers from the deceased King when the latter was not in a sound*

recent date, in order to obtain from the British Government the annulment of this decree. The English Minister has always proved deaf to these reclamations, suffering the aforesaid decree of annulment to exist in all its force. In the beginning of 1853, or in the spring some American Citizens, among them, a lawyer of the name of Bryce, as it is believed in New York, went to San Juan de Nicaragua in search of adventures, and it is even asserted, that it was at the instance of Shepherd and Kali, now residing at that point, for the purpose of negotiating and speculating on the grants which had been previously annulled.

It appears that Mr. Bryce induced the aforesaid Shephard and Kali to promise him certain portions of land in the port, notwithstanding that said lands are now occupied by their proper owners, who have been in possession of the same for more than two years and a half.

It is proper to remark, that the locality of the port and City of San Juan has been arranged and distributed into sheets and squares, by the present occupants, conjointly with the English Employés; all of which took place in 1848 and 1849.

All these lands were marked, measured and sold by said Shepherd, who specified the prices, being employed by the Mosquito King in whose name he acted; and these acts were consummated during the authority of Mr. Christie, H. B. Majesty's Consul General in Mosquito; the English Government contributed likewise to this, with the view of increasing the revenue of the savage chief. The purchasers of these lots, cut down the woods and improved the land, and up to this day, they have paid annually the taxes due for the possession of said lands.

The conduct of Mr. Bryce was certainly deserving of censure when he induced the superannuated Shepherd to transfer to him lands, the ownership and titles of which were null, in regard to what concerns the interior of the Country, and alienated, with regard to that portion located in the port of San Juan; setting aside many other political and legal reasons, of Great importance to those governments whose territories are the homes of Indian tribes, who have no other recognized right than that of occupation, and consequently, who cannot transfer to foreigners the soil upon which they live.

Such is the origin and such is the foundation and title of the present "Central America Land and Mining Company", a fraud, an abuse, and a deception, through which it is proposed to delude and to seduce the American people, it being the most remarkable and strangest thing, that persons in high places, are likewise accomplices in an affair of this kind: an affair denounced in the chamber of the United States by the venerable and respected authority of General Cass, Senator from Michigan.

And the transit Company of Nicaragua which has committed so many

debted to Nicaragua for its exclusive privilege which snatched many of its members from misery, poverty, and may be from bankrupt. This same company is the party principally interested in the criminal game in question.

Nicaragua never could have thought nor believed that in throwing herself into the arms of American citizens, asking for justice and advice which were promised them,—Nicaragua never imagined that a day would arrive when she would be strangled in those very arms which were so spontaneously open to receive her.

These same arms, (persons) are those which now insult and defy the authority and Sovereignty of a sister republic, in open violation and contempt of the principles proclaimed and maintained by the Government of the Union and by the enormous mass of Genuine Americans. Nicaragua is threatened, at the same time that her authority is resisted: and she is even denied the rights, which, but lately, those arms, sustained and defended. It is attempted to commit violence with arms in hand, and to take forcible possession of a country, which, in the midst of its poverty, loaded these very men with incalculable benefits, the origin of their late and present wealth and fortune. This is proved and testified to by publications recently made; the undersigned has received reliable information of these proceedings and of the late efforts that have been made for the purchase of 5000 muskets, to be paid for with the paper of said company, at the rate of two dollars per share.

The simple statement of facts which the undersigned has the honor of submitting herewith, to the consideration and appreciation of the Hon Secretary of State, is no doubt sufficient to explain and to fix in his mind the question which the Government of Nicaragua is so much interested in demonstrating to the Government and the people of America, in its true and legitimate point of view.

The undersigned, in the name of his government, protests again against the establishment, objects and projects of the aforesaid colonization and mining company, in Nicaragua, as contrary, insulting, and aggressive, against the dignity, authority and sovereignty of the republic; he declares at the same time and in the most solemn manner, that Nicaragua will never recognize unfounded rights; that she will forcibly resist, if necessary, the violation, at any time, of the laws, the tranquillity, the peace and the rights of the republic, by means of this or other undertakings of the same character, and those in which the Government has not taken the initiative, or which has not received the sanction of its authority.

The undersigned [etc.].

Frederick A. Beelen, Secretary of the Legation of the United States in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *May 4, 1854.*

SIR: In submitting for your examination the accompanying projet of a part of our proposed convention with Nicaragua,[2] I beg leave, respectfully, to offer the following suggestions.

The admission of Mr. Marcoleta's Article is a *sine qua non* of his acceptance of Article 33, while its admission by us, without being of any actual

[1] Despatches, Nicaragua, vol. 1. No receipt date is endorsed on the file copy of this document; but the writer was probably at the Department when he wrote.

Frederick A. Beelen, of Pennsylvania, who signed this document (which is more like a memorandum than a despatch) was on April 28, 1853 simultaneously commissioned secretary of the legations in Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador. He was appointed secretary of legation in Chile August 2, 1854, and acted as chargé d'affaires, *ad interim*, from August 26 to October 5, 1857. He resigned, his resignation to take effect October 1, 1858.

No explanation was made why he was taking the part which, from this document, he appears to have been taking in the negotiation of a proposed treaty. He had come to Washington from the legation of the United States in Nicaragua, of which he was secretary, as shown above, as bearer of a treaty which Minister Borland had signed there with the Nicaraguan Government on February 14, 1854. See above, this part, despatch No. 13 of February 22, 1854, doc. 1261, and note 2, p. 385.

[2] The following are the texts of the documents, filed with this communication as enclosures, the last two, only, being of much interest in connection with this publication:

Article 33d as proposed by Mr. Beelen, and accepted by Mr. Marcoleta

Nicaragua grants and guaranties that the United States and the citizens, vessels, and merchandise thereof, shall enjoy in all the Ports, harbors, & interior waters of Nicaragua, all the rights, privileges, immunities, and exemptions, in respect to commerce and navigation, which are now, or may hereafter be enjoyed by Nicaraguan citizens, vessels, and merchandise; and this equality of favors shall be made to extend to the merchandise of the United States, and the citizens thereof in their passage across any portion of the territory of Nicaragua, from one sea to the other; that the right of way, or transit, across or through any portion of the territory of Nicaragua, upon any modes of communication that now exist, or that may hereafter be constructed, shall be open and free to the Government of the United States, and for the transportation of all articles of produce manufactures, or merchandise of lawful commerce, belonging to the United States or the citizens thereof; that no higher duties, tolls, or charges shall be levied upon citizens of the United States than are, in like circumstances, levied upon citizens of Nicaragua, or the citizens of any other country, (The words underlined were inserted by Mr. Marcoleta) whether upon the interoceanic route already existing or upon any other that may hereafter be made, opened, or constructed; and that any lawful produce, manufactures, or merchandise, belonging to the United States or to the citizens thereof, passing across the territory of Nicaragua, from one sea to the other, for the purpose of exportation to any portion of the United States, or to any foreign country shall not be liable to any import or transit duties whatever.

Article 35th. proposed by Mr. Beelen, and accepted by Mr. Marcoleta

Nicaragua grants and guarantees to every citizen of the United States the enjoyment in Nicaragua of all the personal rights, and all the rights, privileges, and exemptions, in respect to the acquisition, possession, disposal and inheritance of all kinds of personal and real property in Nicaragua, which are, or shall be, lawfully enjoyed by native citizens of Nicaragua without being required in any manner to relinquish or forego any of

the Mosquito question, throwing her, as it most clearly will, upon the defensive as regards her long established policy on that subject.

The fact of our Treating at all with Nicaragua is an implied recognition of her sovereignty (which includes "*eminent domain*") over all territory *rightfully belonging to her*, and, unless as in the case of Spain, when recognising Nicaragua's independence, and in similar cases of Treaties between a Mother country and her revolted colony, a recognition of boundary is not found in any modern convention.

Whatever Mr. Marcoleta's willingness to make concessions, or his opinion as to his Government's ratification of those concessions may be, I am satisfied, from a somewhat intimate acquaintance with that government, that it will not attach to our simple recognition of their sovereignty sufficient value to balance the concession embodied in, & provided for, by Article 33.

Excluding both his Article & my 33. he will sign the Treaty, as it stands amended, with the addition of the accompanying Article 35, while the admission of Art. 33. will imperil the Treaty in the Legislative Assembly of Nicaragua.

The concessions, provided for in Article 33, though seemingly great are, virtually, & will be enjoyed, exclusively, by the Transit Co. during the continuance of their charter; while no navigation (other than by small sailing vessels) of the interior waters of the Republic can ever be enjoyed during the term of that charter by any other than the Transit Company. It would be valueless for sailing vessels, because the commerce of the interior waters

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the authority of the Government & laws of Nicaragua, (The underlined words were inserted by Mr. Marcoleta) in the same manner as if acquired subsequent to it.*

In all the States of the United States, whose existing laws permit it, Nicaraguans shall enjoy the right of possessing real estate by the same title, and in the same manner as citizens of the United States. They shall be free to dispose of it as they may please either gratuitously or for value received, by donation, testament or otherwise just as those citizens themselves; and in no case shall they be subjected to taxes or transfer, inheritance or any other different from those paid by the latter or to taxes which shall not be equally imposed *upon her own citizens*. As to those States of the Union, by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

Article proposed & insisted upon by Mr. Marcoleta, and refused by Mr. Beelen

The United States recognize the sovereignty and eminent domain of the Republic of Nicaragua over all the territory lying between the Atlantic & Pacific Oceans, together with the adjacent islands, originally known as the "Province of Nicaragua", now Republic of that name, and bounded by the States of Costa Rica & Honduras.

The Article, if admitted at all, is modified, as follows, by Mr. Marcy.

The United States recognize the sovereignty of the Republic of Nicaragua over all her territory lying between the Atlantic & Pacific Oceans, and the States of Costa Rica & Honduras, together with the adjacent islands, originally known under the name of the Province of Nicaragua now the Republic of that name.

* Instead of Mr. Marcoleta's underlining, there followed [In Mr. Beelen's copy?] the words "This acquisition having always been made in conformity with the laws of

amounts to nothing, and if it did amount to anything no sailing vessel could compete with the Company's Steamers. Supposing the Co's charter expired, it would require greatly more than twelve years, of the Treaty, to build up a commerce; which, at the expiration of that term, would be sufficient inducement to Nicaragua to give notice of the expiration of our convention with her.

I have the honor [etc.].

1270

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *May 16, 1854.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, has just learned that the Government of Costa-Rica has contracted with various Merchants and Capitalists for the construction of an inter-oceanic road thro' the port and river of San Juan, and the Lake of Nicaragua.

Inasmuch as the contract referred to is founded on an imaginary right which Costa Rica claims for the navigation of the river San Juan and the Lake of Granada—a right which Nicaragua has never recognized, but, on the contrary, has always condemned[2] as inadmissible; and as, moreover, this contract is in direct opposition and injurious to the rights of the Canal and Accessory Transit Companies, which, whilst they exist, notwithstanding their differences with Government, (have a legitimate right),[3] to the protection of the Republic; and as, moreover, the conditions of the contract just made by Costa Rica affect the interests, rights and sovereignty of Nicaragua, the Undersigned can do no less than protest, as he does actually protest, most solemnly and energetically, against the concession which the government of Costa Rica has made for the construction of an inter-oceanic road by way of the port of San Juan, the river of the same name and the lake of Granada, or, it maybe, of Nicaragua.

The Undersigned [etc.].

[1] Notes from Central America, vol. 2.

[2] In the original from which this document was copied, the word "rejected" is written in ink above this word "condemned" as an alternative translation.

[3] Above the words "have a legitimate right" in the original appear the words "are entitled" as an alternative translation.

1271

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *July 28, 1854.*

The Washington and New York papers, have just informed the public of the events that have taken place at San Juan de Nicaragua, on the 12th and 13th inst, the fatal results of which have been the complete ruin and destruction of that village and of the numerous and immense interests belonging to citizens of Nicaragua, residing alternately at San Juan and in the city of Granada, situated on the borders of the lake of that name.

The causes of this catastrophy are said to be certain insults committed against the dignity of the Union, by a horde of adventurers, entirely foreign to the soil, who, usurping the rights and sovereignty of Nicaragua, have constituted themselves into an independent body, assuming to exercise an authority which did not, could not, and never can belong to them. It appears natural that the guilty only ought to have been condignly punished for their vandalic acts, without the necessity of involving in this ruin, honorable and peaceful citizens of Nicaragua residing at this port, against whom there never has been, nor can be urged, the slightest or most trifling complaint.

In the opinion of the Undersigned, it would be desirable that Captain Hollins had regulated his action by the strict principles of retributive justice, and that he had confined himself to giving a severe lesson to the perpetrators of the excesses, and to leave in peace, in the enjoyment of their liberty and property, those who, like the citizens of Nicaragua, have always been far from sympathizing with, approving, or taking the least part in any of the acts and occurrences that have taken place since the time of the usurpation. To drive the pseudo-sovereigns from the town, the authors of all the scandalous excesses that have been consummated at that port, and to restore in it, the sovereign authority and flag of Nicaragua, would have been, in the opinion of the Undersigned, the only and effective means of punishing the guilty and of removing for ever, the causes and the source of so much insolence and enormous scandals. But to destroy and reduce a whole town to ashes, which forms an integral part of the territory of the Republic of Nicaragua, involving the innocent and the defenceless as well as the criminal in the ruin; the adventurer with the peaceful citizen of Nicaragua, the faithful friend of the people and the government of the American Union, are acts which seem

to the rights of citizens of the Republic of Nicaragua, many of whom had, as it appears, large amounts of goods in the port, deposited there, waiting for favorable circumstances to forward the same to the interior.

The undersigned trusts, at the same time, from the recognized justice and equity of the American people and government, that the parties interested, citizens of the republic, will not be refused a proper compensation for the losses they have innocently suffered; in the same manner, that the government of Nicaragua will receive the indemnity justly due to it for the multitudinous damages, losses, and injuries which have been caused to the state by the total destruction and ruin of a port, the only one belonging to the Republic on the Atlantic Ocean, for the import and export of articles of trade, and other political and mercantile transactions.

The Undersigned, hoping that the Hon. Secretary of State will be pleased to take this matter into consideration, avails himself of the opportunity [etc.].

1272

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *August 8, 1854.*

The Undersigned has received the note which the Hon. Secretary of State of the American Union has done him the honor of addressing him on the 2d instant,[2] in reply to that which this Legation transmitted to the Department of State on the 28th of July last,[3] setting forth, in moderate and courteous language, the damages, losses and injuries which have been caused to the government and to several citizens of Nicaragua by the ruin and total destruction of the Port of San Juan; and expressing a hope that the American Government would not refuse a suitable indemnity to those citizens of Nicaragua who had been *innocently* involved in said ruin.

In reply, the Undersigned has the honor of stating to the Hon. Secretary of State, that it never was his intention to excite or to promote a controversy on this subject, with the Hon. W. L. Marcy; nor does he intend now to reproduce the reclamation contained in the aforesaid note of the 28th of July last, until the Government of Nicaragua, on being informed of the last occurrences at San Juan, and the communications that have taken place beween the Department of State and this Legation, shall decide, in its judge-

[1] Notes from Central America, vol. 2. Received August 8.

ment and Prudence, as to the course which the Undersigned has thought proper to pursue in this matter.

But, at the same time, the undersigned cannot avoid calling the attention of the Hon. Secretary of State to certain propositions and tendencies, in the communication of the 2d inst, which, in the opinion of the Undersigned, involve, he must be allowed to say it, mistaken ideas, calculated, in a certain way, and under certain assumptions, to throw the responsibility of the events that have occurred at San Juan, upon the government of Nicaragua, which he seems to censure for not having prevented the excesses of some, or of the greatest part of the inhabitants of the Port, by tolerating their presence there.

The Hon. Secretary of State is very well aware, that the government of Nicaragua has always been ready to take possession of that port, and to re-establish its authority and Jurisdiction there, if the government of the American Union had thought it prudent to sustain Nicaragua in this undertaking, or, at least, to interpose its good and friendly offices with Great Britain, so as to prevent the latter power from carrying out the repeated threats thrown out against Nicaragua, in Lord Clarendon's notes to the British Minister at Washington, which the latter communicated to the Department of State.

"Great Britain must still repel any aggression within those limits (Mosquito) which may be committed by Nicaragua, Honduras, or any other central American power. (May 27, 1853) Great Britain cannot abandon her present position with regard to Mosquito; nor can she permit either Nicaragua or Honduras to assert, and still less to attempt to *establish by force of arms*, over any part of Mosquito, a right of possession. And if either Nicaragua or Honduras were still to continue to make aggressions on the Mosquito territory, with that object, it must be at their own peril." (May 27, 1853).

The Government of Nicaragua knows very well that Great Britain would fully carry out these threats; and, for this reason, the Undersigned has stated, more than once, to the Hon. Secretary of State, that with the assistance, or the mediation of the American Government, Nicaragua would proceed immediately to take possession of the Port.

The Hon. Secretary of State did not, perhaps, think it prudent to launch out in this enterprise, in the same manner, that the Government of Nicaragua did not think it very advisable, neither, to jeopardize the interior tranquillity of the country—to compromise, it may be, the good relations existing between the United States and Great Britain, and to expose its ports, in the pacific, to blockade, invasion, and probably to the most thorough ruin and devastation. This will suffice to convince the Hon. Secretary of State, that

the responsibility and the contingencies of this enterprise, can Nicaragua be justly censured for not having taken possession and driven from the port, the adventurers who have domineered there?

The Hon. Secretary of State in his communication of the 2d instant, aforesaid, and with reference to citizens of Nicaragua residing at San Juan, says:

> That it is scarcely credible that a considerable number of respectable citizens of Nicaragua, could have taken up their residence and placed their property among the pseudo Sovereigns, without having been, necessarily, in treasonable association with the open and avowed enemies of the Republic; that those citizens knew, for notice had repeatedly been given that the town would be punished: that they had means to avoid all risk and to place themselves in communication with Captain Hollins; that they took no steps to have any distinction made in their favor; and that, finally, that they deliberately united their interests with the usurpers, etc., etc.

The undersigned must be permitted, before all, to protest against such assertions, implying as they do, a declared and decided hostility on the part of several citizens of Nicaragua, against the Republic, the people, and the government of the American Union.

Besides, neither the number nor the character of those Nicaraguans whom the necessities of the country continually attracted to San Juan, or who saw themselves obliged to reside there, in consequence of those same interests, can add or take away from the right of reclaiming [1] for the losses they have innocently sustained.

The Hon. Secretary of State cannot be ignorant of the circumstances and position of the town and port of San Juan, with regard to the interior of the Republic; the only inlet and outlet in the Atlantic; the point of arrival, deposit and transit; distant nearly 200 miles from the commercial towns of the Republic, in consequence of which, it has always been found indispensable to keep certain persons there, in the capacity of consignees, for loading and discharging vessels; for the import and export of articles of trade. The government of Nicaragua likewise maintained there some clerks to attend to the receipt, transmission and distribution of the public and official mail in the interior; and was fully convinced of the fidelity and loyalty of all those citizens, who have always abstained from taking the least part in any public and popular acts, or from participating in any of the excesses perpetrated by others in that locality; it being a notable fact, that the Transit Company, protected and defended by the Government of the Union, is the one that has concurred and participated in the public elections, upheld and submitted to

[1] A too literal translation for which "[illegible]"

sions of land, such as it now occupies at Punta Arenas.

It would have been useless for the citizens of Nicaragua to put themselves in communication with Captain Hollins and to claim exceptions, when it is proved that a French Citizen, Mr. Barruel, protested before the Captain against the authorities of San Juan; which did not prevent his goods from being destroyed, and his property demolished; it being presumable that the same fate would have been theirs, even though they had followed the example of Barruel.

In making a reservation for the citizens of Nicaragua, who have suffered damage during the last occurrences at San Juan, the Undersigned never meant to comprise those, if any such are to be found, who, directly or indirectly, had taken part in the excesses of the enemies of Nicaragua and of the American Union.

The Undersigned, therefore, does not think he has given cause for, or provoked in any way whatever, the severe reply given to his communication of the 28th of July last; nor has he sought to wound, in the least degree, the just susceptibilities of the American people and the American Government, with whom Nicaragua has happily lived until now, and wishes to live, in future, on terms of the best friendship and harmony. The Undersigned has apprehended, and does apprehend, that the destruction of San Juan has been brought about by certain Americans who are evidently trying to get up a difficulty. Behind the last usurpers of San Juan, and even covered by a veil, not so thick as to prevent their being distinctly seen, there are others, residing in the United States, some occupying high places, who have been working and concerting, for some time past, to carry out another project of usurpation, more scandalous and on a larger scale, which embraces and comprises all the Country and Coast of Mosquito, and the territory situated to the North and South of the river of San Juan de Nicaragua.

The undersigned has in his possession reliable and irrefutable documents showing the illegal traffic which is actually carried on in the stock of a company, the title of which is more spurious, falser and more rash than that of the pseudo-sovereign of San Juan.

The Hon. Secretary of State concludes his note of the 2d instant by asking the undersigned to communicate to the government of the Union the opinion of the government of Nicaragua, with regard to the responsibility it might be held to, concerning the conduct of the inhabitants of San Juan.

Notwithstanding that the undersigned thinks he has had the honor of saying enough in this despatch, in order that the equity of the American Government, and the acknowledged sense of justice and impartiality of the Hon. W. L. Marcy, may decide the question, he will nevertheless add, that it would be extremely unjust to hold a Government responsible for acts in which it has

mated and perpetrated at a point, in the state, where it has been prevented, by force and violence, from exercising its authority and jurisdiction. Even allowing that said government had exercised these attributes of power, the law of nations would require the aggrieved party to give timely notice, demanding the punishment of the culprits, and reparation for the injuries. It is only in the event of a positive refusal, and after having exhausted all the means which humanity suggests, that reprisals may and should be allowed.

Moreover, after having chastized and taken satisfaction for the excesses committed, it is impossible to admit a new demand for fresh reparation, and the attempt to impose a new punishment for acts and transactions previously avenged and atoned for. *Non* vis in uno.

It appears to the undersigned, that the government of the Union would do much better, under the circumstances of the case, by holding Great Britain responsible for the excesses committed at San Juan and to demand reparation for the same; of her, who, as the *soi-disant* (self-styled) protecting power, has tolerated and protected the enemies of the Union in the port.

The Undersigned, believing he has answered satisfactorily the contents of the note of the 2d inst, has now the honor [etc.].

1273

Felipe Molina, Salvadoran Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *October 25, 1854.*

The Undersigned, Minister of the Republic of Salvador, has to perform a disagreable duty in compliance with the instructions he has just received from his Government.

It is well known that the Republic of Salvador is bound to that of Nicaragua by especial Treaties as well as by the ancient ties of a common origin.

It is not surprising therefore, that the attention of the President of Salvador has been drawn to the occurrences that took place at San Juan del Norte, alias Greytown on the 13th July of the current year.

In fact, while it is evident that several natives of Nicaragua have heavily suffered in their property through the action of Captain Hollins, when this officer bombarded and burned the above mentioned town, being in Command of an United States man of war; the President of Salvador observes with deep regret, that, Nicaragua divided in two parties is undergoing a protracted and bloody revolution and does not possess a Government in a

Undersigned to manifest to the Honorable Secretary of State, the great interest that the Salvadorean Administration takes in the prosperity of Nicaragua and her people, and in consequence of that interest, the President of Salvador, thinks himself compelled most respectfully to intercede in an unofficial form in favor of the Nicaraguans whose property has been destroyed. He trusts in the justice and wisdom of the American Cabinet, that due reparation will not be withheld.

The Undersigned has the honor [etc.].

1274

Felipe Molina, Costa Rican Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *November 4, 1854.*

The Undersigned, Minister Plenipotentiary of Costa Rica, begs leave to lay before the Honorable Secretary of State of the United States, copy of a letter under date of the 20th ultimo which the Undersigned has addressed to the President, Vice President and Directors of the Nicaragua Transit Company,[2] protesting against any attempt on the part of that Company, to dam the Colorado river at its junction with the river San Juan, that river,

[1] Notes from Central America, vol. 1. Received November 6.

[2] The text of the enclosure, referred to, follows:

Felipe Molina, Costa Rican Minister to the United States, to the President, Vice-President, and Directors of the Nicaragua Transit Company

WASHINGTON, *October 20, 1854.*

The Government of Costa Rica has been informed that the Nicaragua Transit Company are making arrangements to dam the Colorado river at its junction with the river San Juan.

That river, the Colorado, is entirely within the territory and jurisdiction of Costa Rica and the exclusive use thereof has been granted to the Costa Rica Transit Company. The Republic of Costa Rica will, therefore oppose any attempt to obstruct the Colorado river by any works whatever which may be attempted under the direction of the Nicaragua Transit Company, or by any other persons not authorized by the Republic of Costa Rica.

I am therefore directed, on behalf and in the name of the Government of Costa Rica to protest against any intrusion upon its territory, for any such purpose, and to warn the Company which you represent against prosecuting their intention to commit any trespass upon said territory

and also

against your intrusion upon and possession of the point of land on the San Juan river called the "Castillo Viejo" and the delta of land on the harbour of San Juan del Norte called "Punta Arena" or "Puntilla" all which places are within the territory of Costa Rica, and have been granted to the Costa Rica Transit Company, and are required by that Company for the prosecution of the objects of its creation.

I am directed to require your immediate removal from said lands as you are there

Costa Rica, and the exclusive use thereof having been granted to the Costa Rica Transit Company.

The attention of the Nicaragua Company has been likewise called again, by the Undersigned, in regard to their intrusion and undue occupation of the place called "Castillo Viejo" on the San Juan river, and the delta of land on the harbour of San Juan del Norte, called "Punta-Arena" or "Puntilla; all which places are within the territory of Costa Rica, and have been granted to the Costa Rica Transit Company which is composed of American citizens.

The Undersigned thinks it his duty to bring these occurrences to the knowledge of the Department of State, and to request Mr. Marcy moreover, to cause the authority of the Government to be exercised in order to compel the Nicaragua Transit Company to refrain from extending or carrying out their usurpatory designs against the Sovereignty of a small State which is at peace and on the best footing of international friendship with the American Union.

Mr. Molina also ventures to think, that the Costa Rica Transit Company will enjoy, on the part of the American Government, the same protection as this Government has always accorded to the Nicaragua Transit Company.

In connection with this subject, Mr. Molina will take the present opportunity to state that Mr. Marcy was pleased to remark, in a conversation with the Undersigned a few days ago, that the Republic of Costa Rica had never extended her claim so far as the San Juan river, nor to the Puntilla or southern portion of the harbour of San Juan nor to the Castillo Viejo &ª &ª and the Undersigned then endeavored to recall to Mr. Marcy's memory the many acts by which the Costa Rican Government had shown its care to maintain the rights of that Republic, since the dispute with Nicaragua was mooted for the first time. That dispute had acquired a new importance with reference to the inter-oceanic transit. It was deemed desirable to settle such a question by negotiation and accordingly at different periods efforts have been made by the American Government, in connection with the British Government, to accomplish the desired adjustment, through their mediation with the Republics of Costa and Nicaragua.

In the course of those negotiations the claims of Costa Rica have been duly discussed, examined, and found to rest upon very strong and valid grounds by the American Government, and many very distinguished American Statesmen who did not hesitate to recommend plans of compromise, which, in a contrary supposition, would never have been suggested.

The Government of the United States went still farther by intimating to the Government of Nicaragua through Mr. Kerr, who was then, the American Chargé d'Affaires at Leon, that it would not see with indifference any attempt on the part of Nicaragua to alter the Statu-quo in regard to the dis-

Transit Company proceeded to take possession of the point called "Castillo Viejo" previously unoccupied by either claimant.

The Minister of Costa Rica most respectfully begs to mention that, as soon as Mr. Marcy entered on the duties of his present elevated position, the Undersigned took the liberty to transmit to the Honorable Secretary of State for his information copies of several statements published by this Legation, respecting the boundary questions pending between Costa Rica and Nicaragua and between Costa Rica and New Granada—Those statements contain a full and true account of the merits of the case, and show in the strongest light the justice, with which Costa Rica claims the boundaries and rights of navigation now in dispute with Nicaragua.

Mr. Marcy's attention is likewise particularly requested, to the repeated despatches on the same subject written by this Legation to the Department of State, since the Undersigned arrived in this country, and which must exist in the files of the Department. The Undersigned begs leave to enumerate the same,[1] to wit:

A communication addressed to the late Honorable Daniel Webster under date March 28th 1851.

Two communications addressed to the same, 8th May, 1851.

Another ditto—ditto—21st June, 1851.

Another ditto—ditto—20th November, 1851.

Another ditto—ditto—6th April, 1852.

Another ditto—ditto—9th April, 1852.

Another ditto—ditto—19th April, 1852.

A communication addressed to the Hon^l Edward Everett 11th November 1852.

Another letter to the same, 28th February, 1853.

A communication addressed to the Honorable William L. Marcy under date 9th March, 1853.

Another ditto ditto 26th Septer 1853.

Another ditto ditto 13th December 1853.

In addition to these documents, it will not be inappropriate to refer to the conference which took place on the 12th July 1851, between the Honorable Daniel Webster, Sir Henry Bulwer, the British Minister—Mr. Marcoleta, the Minister of Nicaragua—and the Undersigned as Representative of Costa Rica. The procès-verbal of that conference, shows that the claims of Costa Rica were considered as valid and justified.[2] And again on the 13th [3] April 1852 a set of proposals was drawn between Mr. Webster, the Sec-

[1] All of the thirteen pertinent communications listed in the following paragraph will be found above, this part, each under its date.

case—On the contrary it must be remembered that several months before Nicaragua created her present Accesory Transit Company—Costa Rica had already issued a charter for the same purpose and for the construction of the great Canal to some British subjects residing in England; but, the Undersigned withheld that charter, actuated by a desire that the interest of his Country should never contribute to create any difficulties between the United States and Great Britain. He entertained also a confident hope that the pending questions with Nicaragua would be soon settled through the mediation of the two Great Powers—(See Mr. Lawrence's L. to Mr. Webster London February 6th 1851).[1]

Unluckily the only result of so much moderation, has been hitherto, that the Nicaragua Transit Company remaining alone in the field and without competition or control has paid no regard at all to the Sovereign rights of Costa Rica, and is actually occupying portions of her territory.

Under these circumstances, it has become the imperative duty of the Costa Rican Government to adopt efficient measures for the preservation of the rights belonging to the Republic, and, among others that of granting a transit charter to some American Citizens.

The Undersigned flatters himself, that this action of his Government, will be favorably viewed by the Administration of the United States, as being highly beneficial to the public in general.

With renewed assurances of the most distinguished consideration the Undersigned has the honor [etc.].

1275

Henry Savage, in charge of the Legation of the United States in Guatemala, to William L. Marcy, Secretary of State of the United States [2]

No. 19 GUATEMALA CITY, *November 10, 1854.*

SIR: The perpetuity of the Presidency of Guatemala was declared, in a meeting of the Corporations and Heads of Departments, on the 21st ultº; a contrivance by the Rulers of Guatemala, with a view undoubtedly to retain power, for it is not only to ensure to the present incumbent, the office for

[1] Below, vol. VII, pt. II, containing Communications from Great Britain.

[2] Despatches, Guatemala, vol. 3. Received January 26. Approximately, the first half of this document is not strictly pertinent to this publication; but the remainder, which is pertinent, needs to be read in the light of the first part.

the term of his natural life, as a reward for his services in furthering their own ends; but it is intended, to be in continuance in his family; in the event of his death, his wife is to succeed and govern during the minority of his son, and legislative enactments are to be obtained, to give, as is conceived, greater validity to this measure.

In the several municipalities, pursuant of some controlling influence, town meetings were held and acts drawn up, purporting to declare the presidency perpetual, in some of these acts, the conveniencey of reforming the "Constitutive Act," was also suggested, these documents being forwarded to the Government, so soon as a requisite number collected, a council was held & there it was determined to convoke a meeting of the Corporations to decide upon the matter. In the meantime, with a view, to superinduce their judgement, their opinion was required; a literary body demurred as to the legality of the act, as it implied a change of the fundamental law; but this opinion was qualified as a contumacious judgement, by the ruling party, who alleged that the declaration emanated from the people, and was an accomplished fact, which superseded all constitutional statute; yet, these men, otherwise, overrule all popular right, proclaim the indefensibility of the peoples' sovereignty and avow the divine origin of power.

The meeting was convened, but not a word was uttered, there was no altercation or debate, no amendment proffered, a deadly silence reigned, which the Archbishop was forced to break, by repeatedly reminding the assemblage, of the object of the meeting, which was to discuss the perpetuity of the Presidency, none dared to open his lips:—so as it had been previously arranged that the Act should be signed, subject to Legislative action, merely to appease the dissenters, they all signed it, thus, it is to be sent to the Legislative Body, that the articles of the Constitutive Act, militating against it, may be revised and altered to suit the present circumstances.

As I have said, there was some dissidence on this usurpation of power, but either their mode of thought, or perhaps the absence of moral or physical courage, prevented, on this occasion, an avowal of the latent opposition;—and after they had rivetted on their own necks, the yoke of an illiterate indian, they proceeded to the Cathedral, where tributing their genuflection to a wafer god, they returned thanks, for the boon obtained, the source of their future prosperity:—this verifies the truth of my assertion, some years ago, in a Consular Despatch to your Department, that all ordinary principles are avoided, and any course adopted, which passion or individual influence may rule. Now, this measure is admitted to be the effect of individual influence, conceived and brought to its present state, after much cogitation and unceasing efforts; and consummated under the auspices of a

tinue not to molest people, for the sake of peace, his reelection would undoubtedly without opposition, be effected. Whereas, the present declaration involves a scheme that must end in the establishment of the system to which I have alluded.

On the occasion of the celebration of the anniversary of Central American independence, on the 15th Septr ult^o a sermon was preached in the Cathedral, before all the Authorities, by a Roman Catholic curate, chosen for the purpose, the object of the declamation was to predicate that power is of divine origin, and the corollary, that the person who governed is the representative of God, and entitled to implicit obedience: the preacher scoffed at the effigy of Liberty, according to American representation, and inveighed against manifest destiny. A few days after, he was prefered to the dignity of Canon of the Metropolitan Church.

This revolution as absurd as it may appear, does not elicit surprize; but educes the character of the men of the country, who seem to have but one idea of Government and one of Religion. Catholicism and Military rule have charms for them, which my pen is inadequate to describe, while any other more rational form of religion or government appears to them, heresy and anarchy. Military despotism is evidently, the only rule congenial to their tastes, and has irrisistible influence over their habits; under liberal institutions they degenerate and it is observed, that those who evince the firmest adherence to Catholicism, are the greatest zealots of Military sway, which fully bears out the axiom that Protestantism imposes a limitation to arbitrary power, while the extension of despotism is obviously identified with the progress of Catholicism:—And, this is worthy the attention of every American, who has any regard for the free institutions of his country.

It is now a question, whether or not, these countries, be fit subjects, with which the United States ought to have Treaties of peace and commerce. Should it be answered in the affirmative, I would recommend a perusal of the Official Gazette of the Government of Guatemala, which is replete with evidences of unkindly feelings toward the United States. And, the displeasure manifested against the State of Honduras, for its endeavours to cultivate friendly relations with the U. States, is now so exacerbated, that two Hondurenian Generals are employed on the frontiers, in promoting civil strife, and furnished with means to subvert the ruling authorities of State, for the purpose, should they succeed, of annulling the contracts entered into with Citizens of the U. States for the construction of railways &^c &^c. In connexion with this spirit of hostility, is a project, in contemplation, to reform the tariff, in a manner, to render the duties on American Manufactures so high, as to preclude the possibility of importing them into the country.

Recently a council of State was held (October 13th ult^o) on the subject of

Nicaraguan affairs, the British and French Consuls, by special invitation, in face of the Munroe [*sic*] doctrine, attended, it was decided upon, to invite the cooperation of San Salvador and Costa Rica, to despatch commissioners to Nicaragua, to interpose their friendly offices and induce the belligerant [*sic*] parties to suspend hostilities, submitting the subject of controversy to the decision of the Mediators; but, in the event of failure to effect a reconciliation, it was proposed to adopt an armed intervention each Government to send 500 armed men to pacify the combattants or compel them to cease hostilities. Now, although Guatemala might desire to see a force of 1500 men, just at this time, in Nicaragua, under her influence, for certain reasons which may be deduced from the tenor of this report; yet, it is mere outward show, for she has not the means to send troops out the country, inasmuch as the officers of the army are unpaid for some months past, and the Government otherwise is labouring under grievous pecuniary embarrassments. But, it is the policy of Guatemala, to assume, as far as possible, a position above that of the other States, and to mediate in their dissentions, a purpose which she possesses as yet, not sufficient authority to effect, else she would bring them under her own immediate influence; as it is, she is now striving to engage San Salvador to adopt her line of policy, as regards their conduct towards the United States. And the Government of Salvador has already assumed the initiative in a protest against the sale, by the Government of Honduras, of some unreclaimed lands, on Tiger Island in the Bay of Fonseca, to a citizen of the United States, as you will find in the "Gaceta del Gobierno del Salvador" of Octr 19/54 N° 77. herewith enclosed.

Respectfully [etc.].

1276

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

NEW YORK, *November 22, 1854.*

Under date of the 4th of May last,[2] the undersigned had the honor to address to the Department of State, a communication which contained a protest against an association, which, under the name of "Central America Land and Mining Co^y," has been formed in New York, and, at the same time, an historical sketch of its origin, tendencies and objects.

In the just and faithful discharge of his sacred duties the undersigned has constantly followed up the steps and progress of said Company; and he has the conviction and even the proof that its members and associates are dis-

in his previous suspicious and present proofs, and notwithstanding the little credibility which should, in general, be attached to certain newspapers which are controlled by a spirit of speculation, almost always at the expense of truth, nevertheless if there can be any exaggeration in the notice and in the article, it is so trifling that it does not destroy the truth of the facts, or the reality and existence of the danger.

Numerous are the proofs and guaranties which the American Union has given to the world of its absolute and devoted respect for the laws of the country, and for those of such other countries as are at profound peace and in harmonious relations with the United States. The proclamations of the illustrious President against Walker's expedition, and against that of the Island of Cuba, fully demonstrate the uprightness of the views of an Administration which so wisely rules the destinies of this great Republic.

The obstinacy with which Great Britain has maintained and still maintains to this day her protectorate over the Mosquito Country, has more than once given the American Government occasion, especially of late years, to declare that the sovereignty of the country referred to belongs and has belonged, in the most incontestable manner, to the Republic of Nicaragua. This declaration, or rather this acknowledgment, has been re-asserted and confirmed by the diplomatic agents of the Union in Nicaragua, in their frequent official interviews and communications with the Government of that Republic.

No doubt remains, therefore, of the legality of the sovereign rights of Nicaragua over the whole country included between the Atlantic and the Pacific, together with all the adjacent islands, and over all the territory formerly called the Province of Nicaragua, now the Republic of the same name, within whose area and boundaries is included the country commonly known as the Mosquito coast.

The invasion which threatens Nicaragua has been planned and will be carried into effect by American citizens, whose nationality ought to be a sufficient motive to withhold them from participation and complicity in a project which is so strongly reprobated by morality, by honor, by justice, and by the laws which, in the United States, rule in matters of this kind.

It is not invasions, or force, or violence, or lead, or the revolver, that constitute the effective elements of civilization at the present day, nor are they suitable weapons for the conquests of intellect and human industry; nor do they constitute attractions of sufficient force to allure and induce a kindred and friendly people to affix an indelible seal to the ties, which, by other means, might bind them. The Hon. Secretary of State will remember the guaranties and assurances which the undersigned has given to the Government of the Union, of the favorable reception which will be met with

also to represent anew to the Hon. Secretary of State, that the orders of his Government impose on him the sacred duty of opposing in every possible manner every undertaking which has not been previously sanctioned by the competent authorities of the country.

The undersigned, confident of the amicable disposition and honorable intentions of the Government of the Union towards the Republic of Nicaragua, calls upon it now to apply the political principles and laws of this great American Union against aggressions, of whatever kind, that may be in contemplation to the injury and detriment of the interests and rights of Nicaragua; and he most earnestly requests the Hon. Secretary of State that he will be pleased to issue the necessary orders to prevent the departure from any United States port, especially from New York and New Orleans, of any expedition or vessel, which either ostensibly or secretly designs to violate the laws of both Republics; and that instructions may also be given to the commanding officers of vessels of war of the United States, who are now or may hereafter be, in the waters of San Juan, or may be cruizing in those of the Nicaraguan Coast, to present any such criminal intent, and that from the port opposition shall be made to any landing against which reasonable suspicions can be entertained.

The undersigned [etc.].

1277

Henry Savage, in charge of the Legation of the United States in Guatemala, to William L. Marcy, Secretary of State of the United States [1]

No. 20 GUATEMALA CITY, *December 1, 1854.*

SIR: In reference to my despatch N° 19. of 10th November ult°[2] I send herewith a translation of the initiative, sent by the Minister of Guatemala, to the House of Representatives, of the proposed amendment to the Constitutive Act, so to render it consistent with the altered form of Government. It may be unnecessary to state, that this amendment, will be enacted by that House, and become the law of the land, inasmuch as the opposition party, is so insignificant, as to be utterly of no avail, and consequently, the few who are averse to the measures, refuse their attendance, or tender the resignation of their seats. It is conjectured, that henceforth, the province of the Legislature, will be circumscribed, to the approval of all governmental acts.

By the proposed amendment, the President of Guatemala, is to be exonerated from any share of the responsibility, for the public acts, which is imposed wholly on the Ministers and Counsellors of State;—he may initiate

of State, irrespective of the restrictions prescribed by anterior laws,—Suspend, prorogue, or dissolve the Legislature, whenever, it suits the convenience of his Ministers; and, appoint judges and magistrates, who must be regardful to his wishes, otherwise, lose their office.—Finally, justice is to be administered, not as heretofore, in the name of the Republic, but, in that of the President of the Republic.

The postponement of the measure, to be adopted, by which the succession of the Presidency is to be ensured, has been deemed expedient, for some more fit occasion; and, the style of Republic, continued until other changes render its incongruity palpable: In the mean while, every possible means, is embraced, to throw a "prestige" around the person of the President.

The Government of Guatemala have accredited a minister to the King of the Belgians, there is something of secrecy connected with the object of his mission, but which has been withheld from my knowledge. I have reasons however, to suspect, that it is with a view to solicit the interposition of the Belgian Monarch's influence and counsel, as regards a protectorate sought to be obtained in Europe, for the Central American States against their absorption, by the United States; and Guatemala is strenuous in recommending to the other States, the adoption of this measure, as the only means of thwarting the ambitious projects of the United States. It is moreover, in combination, with a meeting of several of the Mexican Ministers, which is to take place in the early part of next year, in Bruxelles—Guatemala, is in the mean while, waging war against Honduras, and it behooves me, to state, that notwithstanding the assurance by the President of Guatemala, in his recent message to the House of Representatives, to omit nothing in order to preserve friendly dispositions and consolidate a union between the two Governments, in order to maintain their independence; still, this Government employ every means in their power, to promote civil discord in the State of Honduras; the villages and towns on the borders, are constrained by the presence of armed men to make "pronunciamientos", or acts of public accusation against and disavowal of the ruling authorities of that State, and the disaffected are, besides, furnished with men and arms, to keep up a state of hostility. It is surmised, that this measure, has been resorted to, as a diversion to prevent, a division of the scanty force of Honduras being sent to succour the party in opposition to Chamorro in Nicaragua; but I have learnt and from a reliable source, that 2000 armed men, are shortly to march from this, against Honduras, so soon as funds can be obtained, to defray the necessary expences of such an expedition, to further the projects of the rulers of Guatemala and to which I have elsewhere alluded.

Respectfully, I am, Sir, [etc.].

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

NEW YORK, *December 11, 1854.*

The undersigned has informed himself of the contents of the note of the Hon. W. L. Marcy, Secretary of State, of the 30th of November last,[2] in reply to that which this Legation had the honor to address to the Department of State on the 22d of the same,[3] requesting the application of the neutrality laws of the United States, against certain American citizens who, under specious pretexts, intend to violate the rights and territory of the Republic of Nicaragua.

The Hon. Secretary of State, who, according to the terms of his aforesaid note, seems to look upon this serious affair in a different light, refuses to accede to the just desires of the Government of Nicaragua; considering the request inapplicable to the present case; and on account of the "pacific character" of the Company, which, it is alleged, is an association having for its object the carrying out of "business purposes."

The undersigned cannot but express the profound regrets which have been produced in his mind by the contents of the communication of the 30th of November last, because it appears to him that in it the character of the Company in question, and the circumstances which criminate it, are left entirely out of consideration.

What then is the origin; what, the character of that Company?

A concession extorted in 1839, by various individuals from Jamaica, amid the delirium and excesses of a disgusting orgy, from the brutal intoxication of the chief of a savage tribe: a concession subsequently annulled by his successors, and fraudulently assigned to various American Speculators, who, from a hotel in New York, dispose of, without a blush, more than thirty millions of acres of land not their own, which they distribute in lots of one hundred and fifty acres for the purpose of offering the same to the cupidity of the innumerable idlers that germinate in the populous cities of the United States.

It is a public and notorious fact, and it may be that the Hon. Secretary of State is not ignorant, that one of the "business purposes" of the Company is the establishment of a new Republic in the country, with a foreign President. That is to say, the establishment of a State within a State, which shall contribute to the development and extension of confusion and anarchy in a country, which, unhappily, is now distracted by political convulsions, in which foreigners have perhaps exercised a great and predominant influence.

Such is the "pacific object" and such are the "business purposes" of a Company and of men who, either by consent or by force, intend to perpetrate a most criminal inroad upon a friendly and brotherly soil, for the purpose of appropriating, that which does not belong to them. Even under the supposition that they really have the pacific object in view which is attributed to them, by what title do they arrogate to themselves the right to tread the soil of a foreign country, which is openly and solemnly hostile to their schemes; which protests against them, and which declares that it recognizes no sort of concession which has not previously been approved of by the competent authority of the country?

The undersigned, without intending to interfere in matters and questions of purely a domestic nature in the United States, may be allowed to quote the authority of the first magistrate of the Union, in whose message of the 4th inst. it is established as a recognized principle "that the Central American States have alone inherited from Spain the Sovereignty and local jurisdiction of the country."

It would be easy to accumulate quotations from many eminent American Statesmen in support of the right and justice which favor Nicaragua in this matter: it is sufficient merely to call the attention of the Hon. Secretary of State to the following language of the Hon. J. M. Clayton, on the occasion of the ratification of the Treaty which bears his illustrious name.

> We have not acknowledged nor can we acknowledge the existence of any claim of Sovereignty in the Mosquito King or any other Indian in America. To do so would be to deny the title of the U.S. to our own territory.

But, even laying aside these principles and just considerations, the undersigned cannot understand how it can be denied that the Association or Company in question, possesses an illegal, aggressive, hostile and criminal character, while the Treaty of the 30th of April, 1850, remains in force; in which the United States and Great Britain entered into a mutual engagement, among other things, not to colonize Costa Rica, Nicaragua, the Mosquito territory, nor any portion of Central America: a treaty which was published in order that those citizens whom it concerns, may comply with its stipulations, and observe it with the respect, precision and submission, due to the public faith solemnly sworn and pledged.

As a powerful weapon and a decisive argument against the British protectorate of the Mosquito Coast, there were exhibited the stipulations of this same treaty which is now sought to be violated by a handful of men, who, from their position and political influence, ought to feel the most interested in the blind and absolute fulfilment of all its clauses.

effect are now being made, and that in a very short time the aggressors will sail from the ports of New York, New Orleans and Galveston for San Juan; and in the event that the just remonstrances of the Government of Nicaragua should not produce the desired result; to wit, the entire abandonment of the expedition such as it is and has been organized; the undersigned, actuated by a rigid, imperious, and sacred sense of duty, makes the most solemn reservation of the incontestible rights of his Government, in order to vindicate the same whenever circumstances shall require it; and at the same time he protests, in the most positive and peremptory manner, before God, before man, and before the Governments of the civilized nations of the Globe, against the Association or Company above alluded to; against all its plans, schemes, and projects; and against the aggression by which it is intended to violate the rights, sovereignty and territory of Nicaragua.

The undersigned, in expressing to the Hon. Secretary of State the true, sincere and profound regrets he entertains on being himself compelled to make use of the right which belongs to him as the Representative of the Republic of Nicaragua, and particularly in finding himself, with regard to this matter, at variance with the views and opinions of the Hon. W. L. Marcy, avails himself of this opportunity [etc.].

1279

Felipe Molina, Costa Rican Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *December 13, 1854.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of Costa Rica, has the honor to represent, to the Honorable William L. Marcy, Secretary of State of the United States; that the Undersigned's attention has been recently called, by the intelligence published in the news papers of this country, of an expedition having been arranged and organized among American Citizens, for the purpose of Colonizing certain lands in Central America under an alleged title granted by a Mosquito King.

Among other journals, the "Union" of this city, (the reputed organ of the Administration,) in its issue of the 8th instant, speaks of the expedition in question, as a "fixed fact" informing its readers, that Col. Kinney of Texas will be the conductor or leader of the first party of Colonists: that the tract about to be colonized embraces an area of thirty millions of acres—extending several hundred miles on the coast; and that the enterprise is entirely pacific in all its arrangements and purposes—

or is disposed to recognize any title or grant made by the Kings or Chiefs of the Mosquito indians and purported to be located within the well known limits of Costa Rica, which are: from Escudo de Veragua to the port of San Juan on the Atlantic, and thence following the course of said river to the lake of Nicaragua &c &c.

The Undersigned declares like-wise, that his Government will not allow any colonist or party of Colonists from whatever Country they may proceed to occupy, locate or take possession of lands belonging to Costa Rica, for the purposes of agriculture, mining or any other, unless he or they shall have previously applied to the Government of Costa Rica, and duly obtained a permission and legal title to that effect.

It will not be inappropriate to add that the laws of Costa Rica are extremely liberal on the subject, and afford great facilities to emmigrants, who should like to go and fix their residence there—

But, so far as regards the *Mosquito Colonization and Mining Company*, on whose account, it is understood, that the alleged expedition has been prepared, the Undersigned begs to inform the Government of the United States, that said association has acquired no title whatever from the Government of Costa Rica, and that any attempt on the part of it to invade the territory of Costa Rica shall be opposed by all means that the Undersigned's Government may command.

Mr. Molina has the honor [etc.].

1280

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

On board U. S. S. *Columbia*.

No. 3 PUNTA ARENAS, *December 22, 1854*.

SIR: I arrived at this place on the 20th ins^t after a passage of 22 days from Pensacola; accompanied, by Mr. Marling, Minister Resident to Guatemala, Mr. Fabens late Commercial Agent at San Juan de Nicaragua, and my family. Mr. Marling proceeded this day, on his mission, via Virgin Bay.

Mr. Fabens will forthwith proceed to collect information, and take testimony in relation to the conduct of persons who assumed political controul

[1] Despatches, Nicaragua, vol. 2. Received January 3.

over San Juan, or Greytown, and to the claims which are about to be presented to the United States for property distroyed at the late bombardment by Captain Hollins of the United States Navy. In which important duty, as directed in your letter of 23d Oct. last[1] I have stopped here to aid him.[2] . . .

I found San Juan de Nicaragua or Greytown, slowly rising from its ashes, but without any government, or law, or rule whatever. The Mosquito Flag flies over its thatched huts, and in this Harbour are three English Men of War protecting it. The Frigate Termagant, (Steamer) of 26 guns, bearing the flag of Commodore Henderson; The Frigate Vesta Capt Thompson of 26 guns, and the Brig Daring Lt. Napier of 10 guns.

I am informed by General O. Corral that matters in the Interior of this Republic are still in revolution, and regret that war still rages between the forces of Chamorro (the President elected) and Castellon.— The former having possession of Leon; the latter of Grenada and the lake of Nicaragua. As soon as I shall have accomplished my duties here, I will go to Grenada, and Leon, and hope to advise you of a more tranquil state of the affairs of this Republic.

I have the honor [etc.].

1281

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States[3]

NEW YORK, *December 27, 1854.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua has read in several newspapers which have published it the protest that the Minister from Costa Rica, Guatemala and San Salvador has thought it his duty to address to the Hon. Secretary of State of the United States against the self styled Central America Land and Mining Company so far as concerns the portion of the territory whose interests are confided to him.

The undersigned being persuaded that this publication has been made with the knowledge, if not the expressed consent of the Department, begs leave to state that, as Representative of the Republic of Nicaragua, the most interested against the projects of the said company, being desirous also to prove to the world that he has on his part omitted no efforts to prevent a notorious premeditated unlawful invasion of the sovereing rights of Nicaragua, has the honor to inform the Hon. Secretary of State that, unless he receive a formal written disaproval from the American Government, he proposes to have published the correspondence between this Legation and the said Govern-

ment, upon this subject, namely, the undersigned's communications of the 4th of May and 22d november 1854,[1] Mr. Marcy's answer of 30 november[2] and the undersigned's reply of the 11th december,[3] which publications the undersigned would rather see made by the Department of State than by the Legation in his charge.

The undersigned begs respectfuly Mr. Marcy to be pleased to address to him an answer to this communication as soon as his convenience will permit, and avails himself of this opportunity [etc.].

1282

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [4]

[EXTRACTS]

On Board U. S. S. *Columbia.*

No. 4 PUNTA ARENAS, *January 2, 1855.*

SIR: I trust that you have received my despatch Nº 3, dated at this place, on the 22d ultº [5] informing you of my safe arrival.

I am still actually engaged here, aiding Mr. Fabens in collecting information, and taking testimony in relation to claims for damages occasioned by the bombardment of Greytown.

H. B. M. Consul, James Green, tendered to me any information in his possession; and has furnished me with the names, nation, and amount of damages claimed— Which communication I have given to Mr. Fabens, and which he will communicate to your Department.

No better evidence could be afforded, of the swindling character of this Greytown Community than this document, which claims the amount for damages done to English and foreigners, 1,182,678$\frac{93}{100}$ dollars.— When the whole town in its palmiest day was not worth more than 100,000$. . . .

It is evident that the Chamorro party are more friendly to the English than to us,—but what is to be the result of this Intestine war, cannot now be predicted. As I advised you, it is my intention as soon as I can finish here, to go to Grenada, and Leon; I may, then, be able to afford you more definite advices of the progress and result of this Revolution— It is a lamentable spectacle, that so lovely a country should be so torn by internal dissentions and deluged in the blood of her own citizens.

I informed you in my last that three English men of War were in this port protecting the Mosquito Flag. The English Comº (Thomas Henderson)

[1] Both above, this part, docs. 1268 and 1276. [2] Above, this volume, pt. I, doc. 1047.

in a formal note, desired an official interview with me, as directed. he stated. by orders of the Admiral of this Station, and the Minister at Washington. In this interview he desired to make some arrangements as to restoring law in Greytown,—by declaring it a Free Port—that he wished that his Goverment would abandon the Proetectorate. I informed him that I had no instructions from my goverment as to Greytown; and that as to the question of the Protectorate, it was in the hands of those who made the Treaty. He offered for my examination all the papers procured by his Goverment touching the Greytown affairs. Of which with his permission I made copies; and gave them to Mr. Fabens who will communicate them to you. So far from his Goverment, approving Commander Jolly, for proclaiming Martial Law; he was reprimanded for it—and transferred from this station. . . .

In the prosecution of our enquiries here we have received much material aid by the presence of the U. S. Frigate Columbia. It has protected our friends and awed our enemies. She leaves on tommorrow, and from the character of the population of Greytown, when I have to remain for awhile, I deem the early presence of a U. S. Ship of War important to our progress in collecting information and taking testimony, if not for our personal safety.

Be pleased to communicate this to the Secretary of the Navy.

I have the honor [etc.].

1283

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

No. 5 PUNTA ARENAS, *January 15, 1855.*

SIR: . . . Some of these people, pretend to take much umbrage. at the tone in which the President speaks of them in his Annual Message. The evidence will prove, that they deserve far more than is said of them. in that document.

We find far more difficulty, since the departure of the U. S. Ship Columbia, as [we?] have no process to compel the attendance of witnesses. Even those. who were willing witnesses then, now stand aloof; or come by stealth at night. assuring us that their lives are in jeopardy. How far, or how soon, this may ripen into overt action against us, is to be seen. But I earnestly repeat the requisition in my last (Nº 4) [2] that to our successful progress here, the presence of a Ship of War, is important; and I beg that you communicate this to the Secretary of the Navy.

character and honour of our nation is at issue, upon the facts which occurred at this place, and which we are now invistigating, it will doubtless be the pleasure, as it is the duty, of the Goverment to afford both to ourselves and the witnesses the protection so imperiously demanded. . . .

Allow me to repeat my suggestions, as to the proper route for the mail for this Legation—as made in my last Dispatch; Your last was delayed, by being directed to Virgin Bay.

I have noticed the protest or declaration of Mr. Molina the Envoy Extraordinary and Minister Plenipotentiary from Costa Rica, directed to you, dated 13th Decr last; [1] as regards "an Expedition having been arranged and organized among American citizens, for the purpose of colonizing certain Lands in Central America under an alledged title by a Mosquito King."

I am informed by Mr. Mason the U. S. Vice Consul here, that Mr. Peter Sheppard, the grantor of the Company, and the grantee of the King, was informed by Comd Henderson, the Commander of H. B. M. Steam Frigate Termagant, that "if Cold Kinny and his associates landed here, claiming under his grant, with the approbation of the U. S; that he would protest against this act: that if he or they came without the protection of the United States, he would use all the force under his command; and seize and treat them as pirates."

I state these facts to you, that you may instruct me, if you deem proper, should such a state of affairs occur. . . .

I am, Sir, respectfully [etc.].

1284

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [2]

[TRANSLATION]

NEW YORK, *January 16, 1855.*

On the 27th of October 1847, the Ship of war "Alarm," of H. B. Majesty's royal navy, entered and cast anchor in the waters of the port of San Juan, and her commander intimated to the local authorities that by the 1st of January of the following year, said port must, voluntarily or by force, be brought under subjection to the British, who claimed possession of it in the name of the Chief of the Mosquito Indians.

On the 1st of January 1848, after a new intimation had been made by the commanding officer of the "Vixen" and the "Alarm," and the solemn protest of the National authorities, the British flag was hoisted in the port, floating

by the side of, and fraternizing with that which had been previously designated by the name of the Mosquitoes.

In consequence of the occurrences and collision which subsequently took place on the river San Juan, between the British garrison and the troops of the Republic of Nicaragua, there was concluded on the 7th of March of the same year, with Capt. Granville Locke, Commander of the Alarm, on the small Island of Cuba, near the city of Granada, in the Lake of that name, a convention whose stipulations bound the Republic not to commit hostilities, in future, against the port of San Juan, and recognized the right of the Government of the Republic to send a diplomatic agent to London, empowered to negociate for the restitution of the port, and to put an end, by means of some definite arrangement, to the differences which, unfortunately, existed between Nicaragua and the Government of her Britannic Majesty.

The Republic had previously, on different occasions, appealed to the American Union, and solicited its good offices and friendly mediation with Great Britain, in order to facilitate an equitable arrangement of said questions.

These occurrences; the simultaneous acquisition made by the United States of Alta California and New Mexico; the facilities which the Isthmus of Nicaragua offers for the construction of a ship canal, or a route for interoceanic communication, seriously engaged the attention of the American Government, and exercised afterwards a commanding influence in carrying into effect the fruitful idea of the treaty of April 19th 1849, between the United States and Great Britain, and eventually caused the intervention of the American government in the controversy and questions which were being discussed by Nicaragua, giving rise to the voluminous and interesting official correspondence which passed between the Governments involved in the question.

The treaty of April 30th 1849 solemnly and reciprocally bound and pledged the high contracting parties, not to occupy, protect or "colonize" Nicaragua and its Mosquito territory, Costa Rica, nor any portion of Central American Soil.

This convention ratified, the Hon. Secretary of State of the United States, then the Hon. J. M. Clayton, despatched to Nicaragua a special agent authorized to place in the hands of the Chief Magistrate of the Republic a letter dated June 17th 1850,[1] inviting his Excellency for the reasons therein specified, to accredit a diplomatic agent at Washington with the requisite instructions and powers, for the purpose of negotiating, concluding and signing with the United States and Great Britain, a treaty which, besides putting an end to the controversies then existing, should be in harmony with that

parties, to guarantee still further the neutrality of the isthmus, to put such an end to the protectorate of the Mosquito Coast as would be honorable and compatible with the dignity of her Britannic Majesty's Government; and eventually to restore to Nicaragua the Port of San Juan, at that time included within and subject to said protectorate.

Unfortunately the result of the various negotiations entered into, with this object, at Washington, did not correspond with the expectations which had at one time been conceived, and matters remained in the same state and condition they were before, or rather, were plainly and sensibly rendered worse, by the changes and complications which ensued, to the great injury of the interests of all, and to the imminent hazard of new and more serious collisions.

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, is entirely ignorant of the nature of the difficulties which Great Britain interposes, and of the principles upon which the United States agree to come to a settlement of these matters, in London. He only sees the good intentions of Great Britain and he does not doubt the sincere desire of the American Union to cooperate for those lofty ends which the interested parties formerly proposed to themselves.

Nicaragua, desiring to remove on its part every species of difficulty, proposed to Great Britain new bases, which the undersigned had the honor to transmit to the Government of the Union on the 24th of January 1854,[1] when a new and serious incident occurred, to complicate the question, and even to throw the interests and minds of all into a state of fermentation.

The undersigned alludes hereby to the Company recently formed in New York, for the purpose, as is alleged, of colonizing the disputed territory of the Mosquitoes, and the lands on the north and south banks of the river San Juan.

The character, extent and importance which it is sought to invest this undertaking with, and especially the source from whence it originated, gave rise to the communications which the undersigned had the honor to address to the Department of State on the 4th of May, the 22d of November, and the 11th of December last;[2] to the contents of which the Government of the Union appears to attribute less importance than what they really possess as regards Nicaragua, for the Hon. Secretary of State, setting aside the political principles which have hitherto guided the Government of the Union, and all those arguments that have been advanced against the British protectorate over the Mosquito Coast, seeks at the same time to screen and give security to the Company in question, on the plea of a legality which it does not possess; and to justify the object said company has in view, and the means it intends to employ for the execution and realization of its projects.

Nicaragua, who has resisted the British protectorate over the Mosquito Coast; who has remonstrated and protested against the occupation of the Port of San Juan, possesses, according to the same principles, an equal right and privilege to resist, oppose and protest against the new occupation with which she is now threatened, and against the aggression which is meditated.

In support of the legitimate and powerful arguments adduced by Nicaragua against the colonization which is now projected without her consent and even against her express desire, it will not be inappropriate to cite the bases which constitute her right; the principles and doctrines which have been professed by the Union, in regard to the substance and character of the compromises which bind the people, and especially the government of the United States.

The instructions given by the Secretary of State of the United States at the time, the Hon. Mr. Buchanan, on the 3d of June 1848,[1] to Elijah Hise, Consul at Guatemala, stated:

"The independence as well as the interests of the nations of the continent require that they should maintain an American system of policy entirely distinct from that which prevails in Europe. To suffer any interference on the part of the European Governments with the domestic concerns of the American republics, *and to permit them to establish new colonies upon this continent* would be to jeopard their independence and ruin their interests."

In the Message addressed to the House of Representatives on the 18th of July 1848,[2] the President of the United States, in relation to the disputes which had occurred in regard to Tiger Island (Honduras) it is said:

"For the fact that the negociations which at length terminated in an amicable treaty, had progressed so far in November last that both nations then understood each other on the subject of the occupation of Central America territory, and were rapidly approaching their final determination that *the whole territory of Central America should be neutral and the passage across the Isthmus dedicated as a highway for all nations whose commerce should never* [*be*] *overawed or endangered by the colonization or dominion of any great maritime power:*"

The instructions given to Mr Squire on the 1st of May 1849,[3] state:

"If the mere fact, that Spain or Nicaragua was, at some period, not in actual possession of the Mosquito territory, could have authorized England to sieze it or hold it, in right of the Mosquito King, then England has on a memorable occasion been strangely unmindful of the novel principle thus asserted." . . . . .

"Nicaragua is a feeble State, and capitalists, proverbially a timid race,

Your Excellency may be assured that our efforts to this end in an amicable spirit and manner towards both Nicaragua and Great Britain, will be cordial and zealous, and will be animated by *the desire* which we sincerely cherish that the just territorial rights of Nicaragua may be respected by all *nations*. . . .

On the 2d of May 1849[3] the Secretary of State of the United States said to the Minister of the United States at London:

The President is decided in the opinion that that part of the American continent having been discovered by Spain, and occupied by her so far as she deemed compatible with her interests, of right belonged to her; that the alleged independence of the Mosquito Indians, though tolerated by Spain, did not extinguish her right of dominion over the region claimed in their behalf, any more than similar independence of other Indian tribes did, or may now impair the sovereignty of other nations, including Great Britain herself, over many tracts of the same continent; that all those territorial rights in her former American possessions descended to the States which were formed out of those possessions, and must be regarded as still appertaining to them in every case where they may not have been voluntarily relinquished.

In another despatch addressed to the American Minister at London, on the 20th of October, 1849,[4] in discussing the British Protectorate, the Hon. Secretary of State speaks in the following manner:

Lord Palmerston declares that Mosquito did not belong to Spain; this, certainly, is a bold declaration, but it is negatived by the whole history of that country. If Mosquito did not belong to Spain, why did Great Britain so often, at the request of the former, relinquish her attempts at colonization there?

. . . . .

Now it is notorious that the Mosquitoes were a tribe of Savages, dwelling on the verge of a country discovered by Spain and claimed by her in virtue of the rights thus acquired, which right has repeatedly been acknowledged by Great Britain in her treaties with that Power.

Consequently the rights of Spain, *or of her representative, Nicaragua, cannot be questioned* on the ground that the latter conquered from Spain merely the right of self-government, and it is not weakened because neither may have chosen to subjugate those Indians, or to deprive them of their lands by occupation.

[1] Above, vol. III, pt. II, doc. 851. [2] Above, vol. III, pt. I, doc. 749.
[3] See below, vol. VII, pt. I, containing Communications to Great Britain. [4] *Ibid.*

> This Government can never acknowledge the independence of the Mosquitoes, or admit that they have any right of sovereignty over the port of Greytown (San Juan), or the country adjacent thereto.
>
> . . . . .
>
> They (the Mosquitoes) are not, nor can they ever be, a maritime people; consequently they can have no more use of the shores of the harbour of Greytown than of any other parts of the Mosquito coast.

This mass of quotations and authorities might be increased ad infinitum by turning to and copying the documents officially addressed to the American Congress by the Government of the United States, and even the innumerable speeches delivered, in both houses, by eminent members thereof, in support of the right and justice with which Nicaragua resists the pretensions of the new "Pilgrims", who, at all hazards, propose to invade, under the pretence of colonizing, the territory of the Mosquitoes, belonging to the Republic.

From all these quotations it is clearly deduced:

1st. That the United States have never recognized any other sovereignty than that of Nicaragua, over the Mosquito Coast and the port of San Juan.

2nd. That the American Union has never desired nor intended to tolerate the establishment of colonies at said points, especially by the great maritime powers, which threaten the independence and integrity of the Republic of Nicaragua.

3d. That the Mosquito Indians are unable to transfer rights which they do not possess.

4th. That these rights and exclusive dominion over the whole country, from sea to sea, belonged exclusively to Spain, and now belongs to its representative, the Republic of Nicaragua.

5th. That the Mosquito Indians never did have, nor have they now, the power to transfer to foreigners any portion of the territory which *they occupy and make use of, for themselves alone;* and, by a natural deduction, that the right and title alleged by the present pretended Colonization Company, is delusive, and even fraudulent, considering the source from whence it emanates.

6th. That Nicaragua possesses, with even still greater reason, the imprescriptible right to interpose, as the United States did to Great Britain and to the late inhabitants of San Juan, her veto, and if need be, force, in order to repel such pretensions; and to invoke the aid of the Government of the United States, and even that of any other foreign power.

[1] This is evidently an error in date, since the sentences quoted are in an instruction dated

In further confirmation of these assertions it will be sufficient to quote from a despatch recently addressed by the Hon. W. L. Marcy to the American Minister in Great Britain, Mr. Ingersoll, under date of June 9th 1853.[1]

> The United States cannot recognize, as valid, any title set up by the people at San Juan, *derived from the Mosquito Indians*. It concedes to this tribe of Indians only a possessory right, a right to occupy *and use for themselves* the country in their possession, but not the right of sovereignty or eminent domain over it.
>
> . . . . .
>
> It is not probable that any attempt will be made to claim for the people of San Juan any authority over Punta Arenas *derived from the Mosquito Indians*.
>
> . . . . .
>
> It is proper to say, in conclusion, that the President does not authorize me to say in reply to the despatch of Her Britannic Majesty's principal Secretary of State for Foreign Affairs, anything which may be construed into a recognition on his part, of the claim set up by the people at San Juan to sovereign authority in themselves over any territory whatever, or to any municipal or corporate powers or political organization *derogatory to the sovereign rights of either Nicaragua or Costa Rica*.

These just and legitimate arguments and declarations which the Hon. Secretary of State of the United States adduces, are precisely those which Nicaragua does, can, and should, with greater reason and appropriateness, allege against the new project of colonization, and against a company whose title, if perchance it does exist, is nothing more than one derived from the Mosquito Indians.

To recognize, to tolerate, and even indirectly to sustain divers American citizens in that which, according to the views of the Hon. W. L. Marcy, he could not and ought not to recognize or tolerate in the ancient inhabitants of San Juan, that is to say, a right derived from the Mosquito Indians derogatory to the sovereign rights of Nicaragua and Costa Rica, would be the most flagrant contradiction of the policy and principles professed by the Government of the United States, in the face of the whole world.

From the very character of the unflinching and constant opposition which the United States have made, up to the present time, to the British Protectorate over the Mosquito coast and to the pretensions of the former inhabitants of San Juan, Nicaragua is now likewise justified in her opposition to those who, without any title or legal right, now propose to colonize this same territory. To deny or refuse to Nicaragua this power and right, is tacitly to deny the power and right, the reason and justice, which sustain the American Government against those who may protect the Chief and the Mosquito

to concede to every Indian tribe, over the whole American continent, without any exception, that which has, with such good reason been denied them up to the present time: it is to authorize these same Indians to maintain, as "Lords," a right which they do not possess, and to resist, as "Sovereigns" all that they do not consider in accordance with their interests; and finally, it is to give them and acknowledge in them the power to transfer a part or the whole of the territory to the highest bidder; and, if they should think it proper, to the Government of Her Britannic Majesty, to the Empire of France or to any other foreign State, Nation, People or Power whatsoever.

The undersigned will refrain, for the present, from enumerating the circumstances, and from mentioning the individuals who encouraged and assisted him to maintain the opposition, which, by the express command of his Government, he made to the Convention of the 30th of May, 1853; and the solemn promises and assurances which were given him by eminent statesmen, who enjoy with reason and justice, the high reputation which their talents have procured them, and who, at the present day, occupy elevated positions in the executive and legislative branches of the Government of the United States.

The United States have entered into an engagement of honor with the whole world, as concerning Nicaragua, from which they cannot escape without creating violent suspicions and just apprehensions in whatever spot on the globe the American people shall see fit to fertilize with their labor, toil, industry and capital; and without incurring the risk of seeing in future all the wondrous marvels which their ingenuity, their energy, constancy, and courage can conceive and produce upon a foreign soil, rendered abortive.

What has been above stated will be sufficient to convince the Hon. Secretary of State of the reason and justice with which Nicaragua has protested and does protest against the Company in question, and requested, although without success, the application of the neutrality laws of the United States, against it.

It is true that the Government of the United States cannot prevent its citizens from transferring themselves to a foreign country, nor from employing, individually, their industry and capital as it best pleases them; yet as far as the present case is concerned, and as regards the Republic of Nicaragua, the undersigned is thoroughly convinced that the Government of the United States can, and has the power, and he must be permitted to say it is its duty, to prevent and oppose the carrying out of those projects, and the

proclaimed by an immense majority, if not by the unanimous vote of the French people.

"L'absortion est faite," (the absorption is accomplished) will Nicaragua perhaps be able to say, in view of the events which are now in preparation, and if the Government of the United States does not adopt the measures, which, in the opinion of the undersigned, are enjoined upon it by its engagements with Great Britain and with the Republic of Nicaragua.

The undersigned cannot avoid expressing here the pain with which he has seen in the Washington Union of the 9th inst., the insertion of a letter signed by the so-called General Agent of the pretended Agricultural and Mining Company; because, as said journal is considered both within and without the United States, whether rightly or not, as the official organ of the Government of the United States, and as the echo of the Administration; it might, and even ought to have abstained from admitting into its columns invectives gratuitously cast upon a Foreign Minister, who speaks and acts in the name of his Government, and who respects the laws and constituted authorities of the country. Far from believing that his remonstrances and allegations are "intemperate, unfounded and untrue", the undersigned believes it to be his duty to reproduce them on this occasion, especially as their truth and accuracy have just been proved and verified.

In order to impose a restraint upon, and effectually to silence "unfounded assertions and misrepresentations", the author of the letter above referred to, would have acted much more discreetly by exhibiting to the public the material proof of the rights he alleges, sanctioned by the Congress and Government of the Republics whose right it is so to do. This sanction is the sole and only essential, necessary, and indispensable requisite; which the whole world, especially the undersigned, must acknowledge and respect.

The undersigned will appeal to the sound and upright judgment of the Hon. W. L. Marcy, and to the discretion and intelligence of the Administration and Government of the American people;—to the end that they, consulting their hearts, their judgment and their consciences, may decide upon the meaning of all this array and paraphernalia of Colonels, Mayors, and other officers, whom the Press and public opinion of New York and other localities are incessantly holding up to the public gaze; and, in order that they may form an estimate of the nature of the schemes that have been devised against Central America by these modern Phoenicians; who assume military titles and don the military [insig?] nia,[1] and grasp the sword and the musket instead of the ploughshare, the axe, and the shepherd's crook; think-

[1] In binding the file copy of this document, this word was hidden, except what appeared to be "nia". The word "insignia" would appear to be the appropriate word.

secreted amidst briers, forests, thickets and swamps, under the guard and custody of Zambos, Moscos and Poyais,—and under the by no means attractive and seductive influence of a pestiferous and fever-giving atmosphere.

The advanced sentinel of the interests of Nicaragua, and the jealous defender of the rights of the Republic the undersigned has no alternative but to remain firmly in the breach, in the just defence of the Sacred mission which has been intrusted to him.

In conclusion, the undersigned believes it to be his duty to protest, here, in the most sincere and solemn manner, that he has never been actuated by the slightest intention or desire to wound in any way the feelings of any individual or corporation whatsoever; much less to be wanting in the consideration, respect and regard due to every people and Government,—to the American Government and people.

The undersigned [etc.].

1285

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACT]

No. 7 SAN JUAN DEL NORTE, *February 19, 1855.*

SIR: . . . Your Department has been advised, that there is no authority at this place to which, I can apply or appeal for redress for the past, or protection for the future.

A large portion of this community is composed of men of the most lawless character; without any visible means of living; whose tastes and temper, delight in scenes of tumult, crime, and blood. Daily, at this place within my hearing, are outrages committed; and my repose is broken by their bacchanalian orgies "making night hideous." I rejoice that I have completed here, the matters to which you directed my attention; (aiding Mr. Fabens in collecting testimony); and that I go, in the first Steamer, to the Interior. Nothing but a sense of duty, and instructions from your Department, could compel me to remain two more such months here; for there has not been a hour that the safety of myself and family has not been jeopardized. Since I have no other protection than the Flag of my country, (which these outlaws but little respect), and (humiliating as the feeling may be, to an American Minister) the guns of Her Britannic Majesty; ships of War in this Harbour; which if ready to protect, as far as convenient, personal safety, are not to be used to avenge injury to our citizens, or insult to our flag.

In my Dispatch, No. 4. dated at this place on 2d Jan. last,[1] I informed the Department, of the intended early departure of the U. S. Frigate Columbia; and that from "the character of the population of Greytown, the early presence of a Ship of War was important at this point."

In my dispatch, No. 5, dated at this place on 15th Jan. last,[2] I "*earnestly repeated this requistion.*" I now repeat it again, with this premonitory remark, that if not heeded promptly, the people of the United States, need not be surprized, when they hear that valuable property of their fellow citizens invested here; and in transit, four times a month through this place, and many valuable lives, fall a sacrafice to the needy cupidity, and reckless fury, of these lawless desperadoes.

The presence of a U. S. armed Vessel of any size, touching at this point, once in three months, will avert such a catastrophe.

The U. S. Commercial Agent, Jos. W. Fabens, Esq., will hand you this. With him you can confer further as to this matter. He is an eye witness to the conduct of the population of Greytown.

I have the honor to be [etc.].

1286

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [3]

[TRANSLATION]

NEW YORK, *March 14, 1855.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, hastens to transmit to the Hon. Secretary of State of the United States, the annexed copy of a letter, the original of which is among the archives of the Legation, which H. B. Phillips, Secretary of the so called General Agent of the pretended Central American Company, has addressed, within a few days past, to a Frenchman resident in New York.[4]

[1] Above, this part, doc. 1282.
[2] Above, this part, doc. 1283.
[3] Notes from Central America, vol. 2.
[4] The following is the text of the enclosed letter referred to:

W. B. Phillips to L. Cousin

WASHINGTON, *February 24, 1855.*

DEAR SIR: Col. Kenney received yours of the 20th. He fully appreciates your offer to raise a company of men and the class of men you speak of, and he would be very happy to receive you and them at San Juan del Norte (*de Nicaragua*) or Greytown for which place he leaves in a few days, and will be there ready to receive you should you go— He would inform you for your satisfaction that the territory he is about to locate and over which he has supreme authority to grant lands, make titles &[&c?] is the property of the Central American Company of which he is the general agent. This territory lies

This you are aware is an important commercial position, it is the route to California over which the Transit Comp. carry their passengers and must some day as it has been determined by surveys be the line for a ship canal.

This country undoubtedly is the most prolific in the world, there crops of corn for years are raised on the same soil, the finest sugar, the best coffee, cocoa, indigo, tobacco and a variety of other productions, it is rich in mines of gold, silver, copper & its natural products such as mahogany log-wood, cabinet woods, tortoise shell are very abundant. The climate particularly the high lands is pure and salubrious.

Besides all these advantages the distracted, decaying state of society in the countries of Central America leads us to suppose that the day is not far distant when the whole of that interesting and important part of the world must be controled by a more vigorous and enterprizing race, such as we contemplate transporting there.

Sections of 640 acres will be given to actual settlers and it is advisable that all will take with them such implements of agriculture, mechanical and DEFENCE as they can procure.

For this grant of land the only thing required will be that each man shall be ready any time during the period of 12 months after his arrival to defend the country, should there be necessity for it.

Each settler ought to provide himself for his wants for several month[s] after his arrival.

Steamers leave N. York on the 12th and 27th. of every month and charge from $35 to 65 per passage and fare.

If however a sufficient number of settlers could be collected together an small vessel—could be chartered at a low rate.

9 to 10 days is the passage from N. Y. by Steamer.

Any gentleman who makes himself usefull in raising settlers for this colony will receive a larger grant of land and a position accordingly.

Very respecfully.

[1] The Secretary's letter to Kinney, copied from Domestic Letters, vol. 43, follows:

William L. Marcy, Secretary of State of the United States, to H. L. Kinney, Esq.

WASHINGTON, *February 4, 1855.*

SIR: If the enterprize of which you speak in your letter to me of the 28th ultimo is a mere peaceful emigration; if you, and those who propose to go with you prefer to leave the United States and seek a permanent home in a foreign Country, to renounce your citizenship here, and the rights and privileges belonging to it, and to submit yourselves to the laws of another jurisdiction, it is neither the duty nor the desire of this government to interfere with your proceedings. By such a course you cease to be citizens of the United States and can have after such a change of allegiance no claims to protection as such citizens from this government. You seem, however, to repel the inference that you intend to submit to the existing sovereign authority of any country. Your design in this respect is indicated by the following passage in your letter:

"It is my purpose to occupy some suitable place, and to establish municipal regulations for the immediate government of the Colonists, so that it may be in my power to enforce order and keep up the forms of civilized society from the beginning."

It is not to be assumed that the country to which you are going is not within the territorial limits of some government. That it is a part of the sovereignty of a government, is implied in the fact, that you claim to have "a grant" for the lands you propose to occupy. Although you do not state the source or nature of your grant and the particular country to which you propose to go, it is evident from the title of your Association, "The Central American Company" that your destination is Central America, and I know no portion of it over which some of the Central American States have not sovereign jurisdiction. It is very generally understood that your Colony proposes to take possession of a part of the Mosquito Country over the whole of which Nicaragua or Costa Rica claims jurisdiction.

The Ministers of those governments have both declared that you have no grant from their own nation and they protest against your proposed expedition as an invasion of

it appears that the majority of those persons who in good faith had given credit by their adhesion, to the pompous promises and false assurances of the members and agents of that illegal Company, withdrew their interests in, and abandon an undertaking opposed to every principle, unworthy of a great Nation, and incompatible with American honor; and those only who set at defiance the force, power, and efficacy of all law, divine and human; those who do not scruple to trample upon all consideration and respect; those whose only object is to establish, increase and accumulate their fortune at the expense of Society, without regarding the means, are the men, who, even at the present time, are agitating and proposing to prosecute and fully to carry out such subversive plans, and who carry their audacity so far as to give assurances that they can count upon the moral assistance of the American Government, and on the material aid of the United States Treasury.

Innumerable are the proofs which the undersigned can adduce with regard to the exertions and intrigues which the so called Agents of the Company in question presume to make, and with regard to the efforts which they are constantly putting forth, at times by means of private intimations, at another, by publications which abound in the Newspapers of the United States and of many of the principal cities, particularly in Mobile and in New Orleans, where there are now existing public agencies superintended by American citizens. It will be sufficient however to call the particular attention of the Hon. Secretary of State to the meaning and language of the enclosed letter, in which the intention to obtain possession of the whole American continent, and to substitute for the race which now lawfully possesses and occupies it, another composed of adventurers from all countries, is not only clearly and distinctly avowed, but that it is even designed in order to accomplish this purpose, to raise and convey an armed force for the defence, as is alleged, of the territory which said Company claims as its property, and that an obligation is imposed upon the so called colonists to preserve a military organization during the first twelve months of their residence in the country.

In order to further demonstrate the accuracy of these assertions, and to

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their rights of property, jurisdiction and sovereignty. If your grant is derived, as it is presumed to be, from a personage called the Mosquito King, it is proper that you should be apprized of the light in which this government would regard such a title. The political condition of what is called the Mosquito Kingdom has for several years past been a matter of discussion between the United States and Great Britain. This government has uniformly held that the Mosquito Indians are a savage tribe, and that though they have rights as the occupants of the country where they are, they have no sovereign or political authority there, and no capacity to transfer to individuals an absolute and permanent title to the lands in their possession, and that the right of eminent domain—which only can be the source of such title—is in certain of the Central American States.

If the emigrants should be formed into Companies, commanded by officers, and

ence may be made to another letter, published within the last few weeks in various newspapers, in which in reply to another wherein information and details are asked of him, Colonel Kenney says:

> Every emigrant to Central America *who engages to serve in a military capacity, for the period of twelve months, the Government which shall be established there*, shall obtain a grant of 640 acres of land, and the officers shall obtain others proportioned to their rank.
>
> If you can conduct a certain number of emigrants, you will have the right to an *official* position proportioned to that number.

Quotations such as these need no comment.

"Nicaragua," said a sagacious statesman, recently, in the Senate of the United States, a man familiar with the questions and difficulties which have arisen in relation to affairs in Central America,

> Nicaragua ought to be the last country towards which and against which should be permitted the departure of an expedition, whatever it might be, whose object was in manifest opposition to the wishes of the Government and of the country; Nicaragua must be the first country in those regions worthy of our esteem, and to which we ought always to extend a friendly hand on account of the marked preference she has given us, by facilitating our relations and commerce in the Pacific.

The undersigned entertains the most thorough conviction that, in uttering such noble and sensible words, the Hon. J. M. Clayton echoed and reflected the sentiments of the Government of the United States and of all honorable American citizens, with whom Nicaragua has lived up to the present time and desires to live in future on terms of the most devoted, sincere and cordial friendship.

The reclamations which the undersigned has the honor, on the present occasion to lay again before the Hon. Secretary of State are most just, lawful and well established, and are in accordance with international law, and with that which every society, every people observes for its own preservation, and to maintain its nationality, menaced in Nicaragua at the present time, not by private individuals who attempt, independently of each other, to make their industry and capital productive, to the advantage of the country, to whose laws manners and customs they voluntarily submit and subject themselves; but, on the contrary, by an association whose members it intends to make use of for the purpose of invading the country, arms in hand, disregarding and trampling upon the most sacred rights; which meditates the subversion of order and the established Government; whose design and operations rest upon destructive bases and upon a fraudulent and illegal act such as the acquisition which it pretends to have made of a fictitious author-

of Nicaragua.

In consequence of the new attempts and criminal efforts lately put forth by the pretended Company of Central American colonization, and the circumstances which render all their operations so odious and criminal; a part or parts of the expedition being about to sail from some of the ports of the Union for San Juan de Nicaragua, a port which the Company intends to take possession of, the undersigned cannot avoid to repeat here the language contained in his communication of the 22d of November last,[1] and to ask, with the utmost earnestness that the Government of the Union will adopt the necessary measures in order to put an end to and prevent the carrying out of the perfidious projects formed upon the soil and territory of the United States against the integrity, the laws and the property of a friendly and sisterly Republic; and he again asks, that the neutrality laws of the United States may be applied against the invaders.

Hoping that the Hon. Secretary of State will be pleased to accede to the just and rational wishes of the Government of Nicaragua and that he will have the kindness to reply to this despatch as soon as possible, the undersigned avails himself of the occasion [etc.].

1287

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [2]

[TRANSLATION]

NEW YORK, *March 18, 1855.*

In addition to the note of the 14th inst.[3] the undersigned has now the honor of transmitting to the Hon. the Secretary of State, a copy of a new letter from the so-called Secretary of Col. Kenney,[4] in reply to another which was

[1] Above, this part, doc. 1276.
[2] Notes from Central America, vol. 2. Received May 15.
[3] Above, this part, doc. 1286.
[4] The following is the text of the enclosure mentioned:

W. B. Phillips to L. Cousin

WASHINGTON, *March 5, 1855.*

SIR: Col. Kenney received yours of the 2d. In reply to your questions he would inform you that it is impossible to form any military organisation in this country to proceed to take possession of another country. It would be a violation of the neutrality laws of the U. S. and it has been a subject of communication between Mr. Marcy S. of State and Colonel Kenney. *Whatever is to be done, therefore, in that way must take place after we get beyond the limits of the United States.*

Every man notwithstanding this, may carry and ought to carry his own arms as he would his implements of husbandry or mechanics. No one would go to a new country

addressed to the pretended colonization Company of the Mosquitoes by Mr. Cousin.

If any doubt had hitherto been entertained as to the immoral projects of Col. Kenney and followers, the document hereby submitted to the just consideration and upright judgment of the Hon. Wm L. Marcy, will no doubt suffice to prompt the immediate action of the Government of the Union, against a set of men whose rash duplicity vies, in the highest degree, with the most refined hypocrisy.

In consequence of certain expressions contained in the enclosed letter, which compromise the honor of Col. Kenney in so grave and serious a manner, it will be difficult in future to reconcile the truth of his pompous assertions, so repeatedly made through the press, with a peaceful possession and the peaceful objects of the Land and Mining Company.

The undersigned abstains from offering any comments upon the document in question, and confines himself simply to renew here the request he had the honor of making of the Hon. Secretary of State, in the name of his Government, in the note of the 14th inst.

The undersigned avails himself of this opportunity [etc.].

1288

John H. Wheeler, United States Minister Resident in Nicaragua, to Mateo Mayorga, Minister of Foreign Affairs of Nicaragua [1]

[EXTRACT]

No. 3 GRANADA, *April 10, 1855.*

. . . The Undersigned, as he promised His Excellency the Dep. President, Mr. Estrades, in the official interview of yesterday, encloses the letter of Mr. Marcy to Mr. Kinny of the 4th of Feby 1855;[2] which is the only communication he has received from his government on this subject; and it will be ob-

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law to prevent it. *You ought to be well armed* and provided. The Central American Company can give no assistance in money. They will give liberally of lands as I informed you and should your services be required after you arrive there you will be paid for them.

The Transit Steam company would not be likely to make the passage money easier for you or facilitate your wishes in any way if they know that you were going to join Col. Kenney, as that Company is hostile to the enterprise. Those who can afford it had better take passage quickly and provide themselves with all they need and go there at once. Col. Kenney will leave for Greytown in a few days and leaves Washington for

served, this letter fully verifies every position, made by the Undersigned in the interview of yesterday, as to the views of Mr. Marcy upon this question.

The Undersigned renews [etc.].

1289

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACT]

No. 10 GRANADA, *April 11, 1855.*

SIR: . . . From the illness of the President my official reception was delayed until Saturday the 7th inst—when at 5 o'clock I was escorted to the Government House, attended by a large number of persons, when and where I delivered the address, a copy of which is enclosed marked C,[2]—the tenor of which will meet the approbation of my own government, as it has received much favour from this. The reply is enclosed marked D.[3] On the next day, the Congress met; At the opening of which, accompanied by much ceremony, I was invited to attend.

On the next day, (Monday 9th.) I held a long conversation (official) with the President and Secretary of State—on some matters of present and pressing importance; you will find a faithful account of the same, enclosed, marked E.[4] to which I beg your especial attention, as in it I had to explain your views without any positive instructions.

[1] Despatches, Nicaragua, vol. 2. Received May 4.

The omitted portions at the beginning and end of this despatch relate to Wheeler's arrival at Granada, his request for an audience with the President, the revolution, and the diplomatic corps.

[2] The important portion of the text of his address follows:

> MR. PRESIDENT: . . .
>
> As a Nation, we have had the same dark days of tribulation and trial; we have to maintain the same principles of Liberty with ceaseless vigilance. Our hopes and our destinies are so intimately connected, that the intrests of both Republics are identical.
>
> While the eyes of the world are upon us both, and the hearts and hopes of every friend of freedom are with us; at the same time, the jealousy of Tyrants watches us with envy and with vigilance. Our true policy is not only to *declare* but to *maintain*, that the people of American Republics can govern themselves—that no foreign power shall ever be allowed to controul in any manner our views; or interfere, in the slightest degree with our intrests. "The dignity, rights security and repose of *us both* demand this; and the idea of any interference or colonization by any Foreign Power on this side of the Ocean is utterly inadmissible". This principle laid down by one of the Presidents of our Northern Republic, at an earlier period of our Republic, has been recently reitereted by the present patriotic Cheif of our Republic in his inaugural Address; and more than twenty millions of gallant hearts in both Republics, have responded favourably to this decided cis-Atlantic sentiment. . . .

[3] Not included in this publication.

[4] The text of the pertinent portions of the

When these questions are settled and the country more quiet, I shall open the question of the Treaty, with which I am charged. . . .

I have the honor [etc.].

1290

Mateo Mayorga, Minister of Foreign Affairs of Nicaragua, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

[TRANSLATION]

GRANADA, *April 27, 1855.*

HONORED SIR: By the newspapers of the U. S. and by other sources it has come to the knowledge of my Government that the so called Colonel Kenney,

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. . . The Secretary of State then asked what would be the probable course of the U. S. Government towards the sufferers at San Juan del Norte by the bombardment?—I replied that I had no notice of the probable course or any instructions upon this point—but that in the last Congress, a bill to pay Mr De Forest $12,000 for powder destroyed by Capt Hollins had been introduced into the Senate; whether it had passed or not, I could not say; but that innocent sufferers might be paid; the factions and turbulent would not. Mr. Mayorga asked who I meant by "factions & turbulent",—I replied, "such men as disturbed the Transit Companys property—insulted our Minister, and defied all rules, laws or order," In reply, I asked what were the views of Nica in regard to San Juan? did they intend to leave as it was, "the refuge of runaways, renegades, & rascals" or maintain the laws of Nica over it? He replied that by some former arrangement this port has been deposited. To whom—I asked? "To the English by the treaty at Cuba" was his reply,—I then said, that I understood the treaty of Cuba was made by the Government of Nica with the English under duress and fear—and that any act done under duress and fear, by the common Law as well as the Law of nations, could not be considered valid—that this was my impression of the history of this case. But if the treaty of Cuba did pledge the port of San Juan to Great Britain; that by treaty of 19th Apl 1850 Great Britain had solemnly agreed not "to occupy, fortify, or colonize, or assume or exercise any dominion over Nicaragua Costa Rica, the Mosquito Coast or any part of Central America" and that thereby she has abandoned this protection; I was then asked by Mr. Estrades (the President) "if Nica took possession of this port would the U. S. protect her, in that possession?" I stated that when this question was put in an official and confidential manner this Government should receive the reply of the U. S.—that I believed the recent accession of Lord Palmeston to the head of the British Ministry would place this matter upon its true ground—that the treaty while it kept the U. S. out also drove the English out of Central America;—and that the U. S. would keep the treaty, and see that England kept it also; The President then asked "if the Expedition of Colo Kinny did not violate the treaty between the U. S. and England since he had seen the letter of *Govr* Marcy in reply to Mr Molina dated 19th Dec 1854 [Above part 1, this volume.—Ed.] which stated that "the Government of the U. S. did not object to the expedition of Col Kinny". I replied that the letter of Govr Marcy's refered to, stated expressly that "if the parties of this Expedition, withdraw their allegiance from their own country, and voluntarily place themselves within the jurisdiction of another power, that their conduct must be in conformity to the new relations they assume, and responsible to the Laws of the Land in which they have sought domicil" —that Nicaragua knew better than the U. S. what belonged to their country, and if the contemplated expedition was peaceful, then there could be no objection; if within the limits of Nicaragua and Colo. Kinny should desire to have his grant verified or confirmed by this Government, what would be their reply? He stated that if "they wish to occupy the Land peacefully, that this Government would present no kind of obstacle—But that the conduct of many foreigners had been so violent that much distrust had been

against this Republic with the object of appropriating a part of its territory.

You will well understand that such a step would be a criminal attempt against the sovereign rights of Nicaragua and at the same time a violation of the principles which govern nations in regard to usurpation and piracy. And therefore his iniquitous enterprise will never have the consent of my Gov^{t}: on the contrary the latter is firmly decided to repulse it by all the means which they have in their power.

My Government in the name of the people whom it governs and in the face of the world solemnly protests against the occupation of any portion of its territory which has not had its express consent. And it will look upon such enterprise as a violent and punishable act. And besides the physical resistance which it will make within possible bounds, it shall always oppose to it the weapons of justice & reason.

The Hon. Mr W. may, by his personal influence and the considerations attaching to his diplomatic character, labor with success in frustrating the measures & intentions of the aforesaid Col. Kinney; and my Gov^{t} hopes that in view of the friendly sentiments which you have shown to cherish for this Republic, you will be pleased to use that influence & these considerations in order to accomplish such an object.

The undersigned [etc.].

1291

Mateo Mayorga, Minister of Foreign Affairs of Nicaragua, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

[TRANSLATION]

No. 5 GRANADA, *April 27, 1855.*

HONORABLE SIR: My government has learned through the recent newspapers of the United States and other sources of information that the *soi-disant* Colonel Kinney, an American citizen, is trying to accomplish his expedition planned against this republic in order to take possession of a part of its territory. Your Excellency understands very well that such a step is a criminal attack on the sovereign rights of Nicaragua, a violation of the principles which protect nations from piracy and usurpation, and for the same reason, that iniquitous enterprise will never have the assent of my Government, and, on the contrary it has from now on its reproach and its firm resolution to repel it (the enterprise) by all the means which may be in its power.

My Government, in the name of the people who govern and before the world, solemnly protests against any occupation of any part of its territory,

which is made without its express consent, and will regard it as a brutal act of force, and, in addition to physical resistance, which it will make so far as possible, will always use against it the arms of justice and reason.

The Honorable Mr. Wheeler can, with his personal influence and the prestige of his diplomatic capacity, work successfully to frustrate the acts and designs of the said Colonel Kinney; and my Government hopes that in view of the friendly sentiments which you have shown toward this Republic, you will be kind enough to employ such influence and prestige for that purpose.

I await your reply, and remain [etc.].

1292

John H. Wheeler, United States Minister Resident in Nicaragua, to Mateo Mayorga, Minister of Foreign Affairs of Nicaragua [1]

[EXTRACT]

No. 9 GRANADA, *April 30, 1855.*

EXCELLENT SIR: . . . The Undersigned has the honor to acknowledge the receipt of the Despatch of the Hon. Min^r of For. Affairs dated 27th ins^t [2] (No. 5) relative to the Expedition of Col^o Kinny. I did myself the honor to communicate on the 10th ins^t [3] (in my Despatch n° 3.) the letter of Govr Marcy to Col^o Kinny of the 4th of Feby. last.[4] This is all the information which I have received from my Gov^t. It lays down the course to which I must conform, and I call your attention to it again; the rumours of the Newspapers of the U. S. are frequently unfounded.

I have no doubt that should the expedition be set on foot in the U. S., commanded by Officers and furnished with arms, such an organization would assume the character, of a military expedition hardly consistent with the profession of peaceful objects, and my Government would enquire whether it be not a violation of our Neutrality Laws.

We have so long and so often heard of the immediate departure of the Expedition, and it is not yet appeared, that it may be well doubted when it will come. When it does I will then know the fact; and so far as my duty directs, I shall take such steps, alike due to the just rights and integrity of Nicaragua, and the dignity of the U. S.

The Undersigned tenders to the Hon. Minister of For. Affairs [etc.].

[1] Despatches, Nicaragua, vol. 2, enclosed with Wheeler to the Secretary of State, No. 14, below, this part, doc. 1294.

[2] The omitted portion relates to the unfair discrimination against United States coin.

[3] Above, this part, doc. 1288.

[4] Above, this part, doc. 1291.

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACT]

No. 13 GRANADA, *May 1, 1855.*

SIR: . . . This Goverment is much excited at present at the reported Expedition of Colº Kinny; and have formally protested to me, under date 27th ultº [2] against it, as being contrary to the Laws of Nations, a violation of the soverign power of Nicª, and an act of Usurpation and Piracy. They call upon me to use all my functions to frustrate the intentions of Colº Kinny. In my reply as to this point, I stated that I had no information or instructions except your letter of the 4th of Feby last [3]—which I enclosed—that we had so long ago and so often heard of departure of the Expedition, and that as yet it had not landed, so that it might be well doubted when it would come. If it should, so far as my duty directed, I should take such steps as were due alike to the integrity and just rights of Nicaragua, and the dignity of the United States. . . .

With sentiments of esteem [etc.].

1294

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [4]

[EXTRACTS]

No. 14 GRANADA, *May 5, 1855.*

SIR: I informed you in my last (No. 13) dated the 1st instᵗ that "I was preparing to furnish the Department with copies of all the official notes, or letters recᵈ as well as the answers given."

I herein enclose them marked from A to N., which transfers to your Department, the records of this Legation, up to this date. . . .

B. Mr. Wheeler, to Mr. Mayorga, 10th Apˡ enclosing letter of Mr. Marcy of 4th Feby 1855 to Colº Kinny, as regards his Expedition; . . .

I. Mr. Mayorga to Mr. Wheeler, 27 Apˡ protesting against Expedition of Colº Kinny. . . .

[1] Despatches, Nicaragua, vol. 2. Received May 17.
The omitted portions at the beginning and end of this despatch relate to commercial matters and to the revolution.

[2] The document referred to is not included in this publication. Its purport is here indicated.

[3] For the letter of February 4, 1855, to Kinney, see above, this part, note 1, p. 447.

[4] Despatches, Nicaragua, vol. 2. Received May 17.
The enclosures not listed are not pertinent to this publication. Further allusions and

silver money of the U. S.; the Treaty; and the Kinny Expedition. . . .

Very sincerely [etc.].

1295

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

NICARAGUAN LEGATION, NEW YORK, *May 9, 1855.*

The Hon. Secretary of State will by this time have been informed of the results of the trial, and the decision of the Circuit Court of New York, in the suit brought against Col. Kenney, Mr. Fabens, and their associates, indicted for having attempted to violate the neutrality laws of the United States.

According to the decision of said Court, the defendants were released from the recognizances which had been imposed upon them, to the amount of ten thousand dollars each, although they are to remain subject to the insignificant one of one thousand: that is to say, a less sum than the pretended indemnity of 1500 dollars which Kenney, Fabens, and Webster are to pay Captain Graham for each day's detention, after the 7th of May inst. of the steamers United States, Bird of the Sea, and others chartered for the projected expedition.

The undersigned has been informed that the individuals referred to, in company with 600 or 700 persons, are making arrangements to depart immediately from the Port of New York, for San Juan, whence they will penetrate into the territory of the Republic of Nicaragua.

In order that the Hon. Secretary of State may form a thorough estimate of the circumstances, the nature and the objects of this new project, the undersigned will proceed to make a succinct statement of the means which have been employed, and of the real purposes which are intended to be carried out by these pretended colonizationists.

Kenney, in his letter published in the N. Y. Herald of the 19th of April last, among other things, asserts: 1st, That he and his associate Fabens have obtained a grant of land from the Nicaraguan Government: 2nd, That Fabens has effected several purchases of land, which, according to the Journal of Commerce of the 25th or 26th of the same month, amount, in the aggregate, to two millions of acres.

These two assertions are absolutely and totally false; and they have been

[1] Notes from Central America, vol. 2. The date in the file copy of this document is as

the public.

The same article in the Journal of Commerce also announces, that up to that date, there had been enlisted 600 or 700 *colonists*, and that it was intended to enlist as many as two thousand: and that the most cordial and perfect harmony existed between the Company represented by Fabens, Kenney and Webster; the Transit Company; and the Government of Nicaragua.

In another subsequent article, of the 30th of April, the editors of said newspaper; desiring, undoubtedly, to avoid the responsibility of having published absurd and erroneous statements, and ashamed, perhaps, of their easy credulity, represented that they were indebted for the facts they had formerly published, to information imparted to them personally by Col. Kenney,—by Mr. Webster,—and by the U. S. Commercial Agent at San Juan.

The undersigned leaves it to the judgment of the Hon. Secretary of State, to form a proper estimate of the conduct of these men, who, in the absence of good, valid and substantial reasons, resort to artifice and fraud in order to blind the community; to lead public opinion astray; to satisfy at the expense of their victims a badly dissembled cupidity; and to carry into execution plans of the most criminal description against the security, the integrity, and the independence of a friendly, weak and inoffensive Republic, which has constantly lavished the most positive and convincing proofs of the cordial, although unprofitable friendship, which attaches it to the American Government and people.

There are, moreover, various other circumstances closely connected with those which have just been mentioned.

Mr. Fabens presented himself, some weeks ago, at the office of the Nicaragua Transit Company, stating that the territory of that Republic would some day or other fall into the power of the Americans, and that now, that an opportunity was offered, he and his associates ought to take advantage of it. Fabens concluded his visit by expressing the strongest desire that Mr. J. L. White would have an interview with Col. Kenney.

A few days afterwards, if not on the very next, Fabens again visited said office in company with Kenney, who stated to Mr. White, *in the presence of said Fabens*, that his intentions were to join one of the belligerent parties in Nicaragua; by this means to overcome the other; and after putting both of them down, to form a new Government.

A characteristic circumstance, which demonstrates the mad enthusiasm produced by the excitement of, and thirst for, adventure, is the existence and circulation of a new Map of Nicaragua, embellished with likenesses of Kenney and Fabens, and in which the points are marked where the new cities of Montezuma, Cortes, Fabensville and Kenneyville, are to be built.

These facts, and the enlistments which were being publicly made in

workers of mines, filled the undersigned with the most violent and well grounded suspicions, and induced him to make *the affidavit* submitted to the decision of the Grand Jury; before whom Mr. White likewise, made his appearance, for the purpose or making a declaration, and swearing to the facts referred to.

And it being now very notorious that Kenney, Fabens, Webster, and their pretended colonists, are making arrangements to carry their criminal designs, into execution without the least delay, the undersigned believes that he would incur the greatest and strictest responsibility, did he refrain from soliciting of the Hon. Secretary of State, as he does in fact and strenuously solicit here, those measures and means of suppression, which, in the judgment of the U. S. Government, may seem best adapted to prevent, if it be possible, the departure from ports of the United States of every vessel which may have been chartered for the purpose, and which may convey the originators, the promoters, and the accomplices of the new outrage which is meditated.

At the same time, the undersigned has the honor to call the attention of the Hon. Secretary of State to the unbecoming and unlawful course pursued in this affair by the U. S. Commercial Agent at the port of San Juan. The Government of Nicaragua would experience the greatest satisfaction in perceiving that the Hon. Secretary of State believed he had sufficient and well grounded reason for removing Mr. Fabens from the position he now holds at San Juan, as an atonement for the act of aggression which he is on the point of committing, as well against his own government, as against a friendly people, who are now in the most perfect harmony with the American people and Government.

In the Circuit Court in New York, Messrs. Hoffman and Eager, counsel for the accused, made an appeal in behalf of the interests of their clients and urged the expense, injury and damages which they would incur in case of a postponement of the trial of the cause. As if there were not still greater interests to be defended and respected, when the attempt was made to violate the most sacred laws of society, to commit aggressions upon and appropriate the property of thousands of individuals, and to outrage the rights of two friendly and brotherly nations, wounding the one in its very honor, and assaulting the other in its most precious prerogatives and its dearest interests; and this, too, by lawless individuals, in whose eyes truth, justice and morality have lost all their force and vigor, all their brilliancy and all their splendour.

There are acts against which, although reason cannot prevail, justice can have influence; and there are acts in favor of which reason will have influence if justice is against them. A Court may leave unpunished, in the absence

Such an one, in the opinion of the undersigned, is the case here submitted for the consideration and approval of the Hon. Secretary of State, to whom the undersigned has the honor [etc.].

1296

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *May 24, 1855.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua has learned, from undoubted authority, that Col. Kinney designs leaving the Port of New York saturday next with his followers in the Steam Ship "United States" on an expedition against the peace and integrity of the Government of Nicaragua and with a design to overthrow the same by Military force.

That the aim & object of the said Kinney is to seize the Territory and usurp the political power of Nicaragua to the mind of the undersigned admits of no doubt; and the evidence of this is to be found in the indictments which two grand juries, one in New York and the other in Philadelphia have preferred against him, in his published letters & in the military commission which he has issued to certain of his followers & which the undersigned has seen.

The undersigned had hoped after Col. Kinney had been twice arraigned before the Judicial tribunals of this country for setting on foot a military expedition against a neighbouring and friendly Republic that he would have been deterred from a further prosecution of his unlawful enterprise or at least have been prevented from the further prosecution of it. But in this the undersigned has been disappointed. It has come to his knowledge that Col. Kinney designs to put the laws of his country at defiance by sailing Saturday next. The Steamer is now coaled for her voyage & nearly ready for sea.

With a view to defeat the sailing of the expedition, the undersigned is constrained to invoke the prompt interposition of his Excellency the President of the United States.

By the 8th Section of the Act of Congress, passed in the year 1818 the President is empowered as the undersigned understands the law, to seize on his own motion & detain any vessel under circumstances precisely such as at this moment surround the Steamer "United States." The exercise of the power it is true is matter of discretion & doubtless would not be exercised but for reasons of the most urgent character & perhaps only when every other remedy proves to be inadequate.

ranea, & whether the country represented by the undersigned shall be invaded by a military force and its Government perhaps usurped, seem now to be questions, dependent entirely on the will of His Excellency the President of the United States.

Should he interfere by virtue of the authority conferred on him, the expedition will be arrested & the Government of Nicaragua will be constrained to acknowledge a new obligation to the Government of the U. States, for which she now entertains and hopes ever to entertain sentiments of the most friendly regard.

So manifestly in the judgment of the undersigned does the defeat of the piratical enterprise of Col. Kinney or its free departure from the U. States depend on the will of His Excellency the President that he cannot permit himself to doubt as to the manner in which that will will be exercised.

The undersigned begs leave to invoke the immediate interposition of His Excellency the President of the United States in the premises, since the delay of one day may be fatal to his success.

The undersigned avails himself of this opportunity [etc.].

1297

John H. Wheeler, United States Minister Resident in Nicaragua, to Mateo Mayorga, Minister of Foreign Affairs of Nicaragua [1]

[EXTRACT]

No. 11 GRANADA, *May 25, 1855.*

SIR: . . . In regard to the communication which you have received from the Military Commandant of San Juan del Sur, informing your Government that the Captain of the U. S. Ship of war St. Marys, had informed him that a Brigantine with 400 *Fillibusteros* had embarked at San Francisco, for Realejo or San Juan del Sur, to place themselves in the service of the Revolutionary Party; I am happy to say, as I told you in our personal interview last night, that the information is erroneous. I enclose a communication from the Captain of the U. S. Ship St. Marys[2] who is now in this city. Your Govern-

[1] Despatches, Nicaragua, vol. 2, enclosed with Wheeler to the Secretary of State, No. 15 below, this part, doc. 1298.

The omitted portion relates to the negotiation of a commercial treaty.

[2] The following is the text of this communication, the file copy of which reached the Department enclosed with the despatch of June 1, 1855, from Wheeler to the Secretary of State, below, this part, doc 1298:

Commander F. Bailey, U. S. S. St. Mary's, to John H. Wheeler, United States Minister Resident in Nicaragua

GRANADA, *May 25, 1855.*

SIR: The dispatch from the Minister of Foreign Relations of the Govt: of Nicaragua

unlawful expeditions.

I beg leave to call the attention of the Hon. Govt: of Nicaragua to the facts stated in Capt: Baily's communication.

It is well known that on the 20th day of Feby: last, Colº Pedro Xatrancho then, and still, in the service of this Government did violently seize the person of Mr John Priest, and hold him in custody; and did take and carry away his property unlawfully. Mr Priest was then the honored receipent of the Commission of U. S. Consul.

The Government of the U. S. has dispatched this Ship of War (the St: Marys) for the purpose of enquiring into this outrage; to know what steps the Hon: Govt. of Nicaragua will take towards the perpretrator of this outrage; (Colº Xatrancho) and prevent the recurrence of such conduct towards the persons and property of the Citizens of the U. S.

I have assured Capt: Baily that the present Government of Nica is too generous and too just to countenance such conduct: and I am sure that in the personal interview which I have the honor herewith, to request you will repeat this assurance to him.

The Undersigned renews [etc.].

The Minister has been misinformed in respect to the sailing from San Francisco of 400 fillibusters on the day of the sailing of the St: Mary's under my command.

Had such an expedition sailed in company with or been fallen in with by the ship under my command, I should have felt it my duty to maintain the neutral Relations of the country which I represent by capturing their vessel if found on the high seas, sailing on an unlawful expedition.

It was only on the arrival of the Steamer "Cortes" at San Juan del Sur & subsequent to my arrival there that I learned of the clandestine sailing of the Brig "Vesta" with 55 persons including a Col. Walker (so called).

The Government & authorities of the United States are using and have exercised the greatest vigilence in preventing the sailing of such unlawful expeditions so long as the Government of Nicaragua continues on her part to foster relations of good will and amity.

It appears however to me somewhat singular that at the moment that I am called here with the force under my command to urge redress for the unlawful imprisonment and insult offered to an American Citizen bearing a Commission from my Govt: as Consul of my Country, that I should (before that grievance is settled to the satisfaction of the United States) be met on the threshhold of this Republic with a request that I should sail up and down the coast to protect this Government from these supposed fillibusters.

I have no sympathy with these persons, and am ready to do what the laws of my country and of Nations require in preventing any unlawful landing at ports or points in the possession of this Government. But as the object of my visit now is specific and relates to the outrage committed by one Col: Pedro Xatruch on the person of a citizen of the United States bearing a Commission under his Government.

I must first call your attention to that subject and have it satisfactorily settled.

You are aware of the kindly sentiments entertained by the Government and people of the United States towards this and other Spanish American Republics and how anxious they are for them to succeed in the great principles of Self Government.

It is therefore with regret that we see a want of reciprocal feeling on the part of the Government of Nicaragua, and a want of prompt and decided disapproval of the unlawful conduct of Col: Xatruch and their failure to order his prompt dismissal from their service.

I must first be satisfied that this Government takes prompt action in this case and then I shall be ready to consult with you or this Government on the subject of the so

1298

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACT]

No. 15 GRANADA, *June 1, 1855.*

SIR: . . . The Commander of the U. S. Sloop of War the St. Marys has been here; this visit has been not only a protection to the citizens of the U. S. and your officers here, but its moral effect will be most useful. . . .

I have the honor [etc.].

1299

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [2]

NICARAGUAN LEGATION, NEW YORK, *June 1, 1855.*

The undersigned is constrained again to address you in relation to the contemplated expedition of Col. Kinney and his associates against the Government and territory of Nicaragua.

Since the commendable interference of His Excellency the President of the United States, to arrest the sailing of the Steamer *United States*, and for which act the undersigned tenders the thanks of his Government, he has learned from reliable authority that Col. Kinney still threatens to elude the vigilence of the Authorities, and to set at defiance the laws of his country.

Arrangements have within a few days been set on foot for the purpose of chartering a vessel called the "Grape Shot" owned by Mr George Law of New York, to convey the expedition to San Juan del Norte.

The undersigned has also learned from authority equally reliable, that vessels have been engaged for the same unlawful enterprize in two if not three ports besides that of New York.

The facility with which Col. Kinney and his associates abandon one vessel and one port of departure and secure another vessel at another port, has induced a belief in the mind of the undersigned that the numbers and ramifications of this Expedition are far greater and more extended than has hitherto been supposed.

It would seem more than possible, judging from the secrecy and energy

[1] Despatches, Nicaragua, vol. 2. Received June 26.
The number 14 plainly written in black ink was evidently, but apparently mistakenly, assigned to this document by the writer; but a red pencil line is drawn through 14 and 15 is inserted above in red pencil, probably after its receipt at the Department. A previous

vigilance of your Government may yet be eluded.

To prevent such a catastrophe, the undersigned would respectfully urge on His Excellency the President, the propriety and necessity of sending a Ship of War to San Juan del Norte with such instructions as the importance of the subject may seem, in the judgment of His Excellency the President, to demand.

Should a landing in San Juan del Norte be once effected by Col. Kinney and his followers, the undersigned has reason to know that the lawless and profligate adventurers residing there would at once place the *de facto* Government of that town at his disposal.

Such an event would furnish him with a base of operations against Nicaragua, and from which they would be carried on.

Under such a state of things, a peaceful settlement of those difficulties which have grown out of the anomalous condition of affairs in that town, would become, if not impossible, at least greatly embarrassed.

The gratitude of my Government for the friendly aid already rendered by the President in arresting this Expedition, I have heretofore only expressed in words; but I beg to assure His Excellency, that Nicaragua will reciprocate his friendly act in her behalf, and testify her grateful remembrance of it, by a constant watchful care and protection of all American Citizens and American interests within her borders.

To the Honorable, the Secretary of State also, the gratitude of my Government is due, and I offer an expression of it with great pleasure, for the prompt and benevolent interest which he exhibited in arresting an Expedition designed for her overthrow.

I avail, Sir, of this new opportunity [etc.].

1300

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

NEW YORK, *June 2, 1855.*

DEAR SIR: I regret I am obliged to send you a protestation against the departure of the Walker expedition from San Francisco.[2]

You know, Sir, that the Steamer *Star of the West* of the Transit Co. will leave this port on tuesday for San Juan and it would be an opportunity for you to send order to San Juan del Norte and to San Juan del Sur where a ship of war of yours is now anchored.

[1] Notes from Central America, vol. 2. Received June 3.

Secretary of the Land and Mining Co.[1] From its contents you will see all

[1] The following is the text of this enclosure from Cooper to Hopkins:

James Cooper to Mr. Hopkins

PHILADELPHIA, *May 30, 1855.*

DEAR SIR: We had a meeting to night of the men who are now ready to migrate to Central America. There were present 16, all good men; intelligent mechanics with more or less means and very anxious to go at once. I made every representation that I thought calculated to moderate their anxiety to get away. I, however, found that it was a very difficult matter to persuade them that delay was essential to succes. Having sold their property (some of them at least) and rented their shops they are reluctant to remain here even till the 20 of June. Eight or ten of them are anxious to go on the 5th at all hazards.

I am informed by a man named Shingle, late Postmaster at Germantown, and formerly and I presume yet one of Kenney's men that the Colonel is about to change his tactics. He has, he says, as Kenney himself informed him last night given up the idea of sailing from New York: but is still determined to go unless we should get the start of him. His present purpose is to return to Corpus Christi and recruit 300 or 400 men there and ship them by small squads for California: but with the understanding that they are to stop at Greytown. He is to send them there from New Orleans—himself going in a small schoner directly from Corpus Christi. Shingle says the colonel told him that if we got first to Greytown, he would he presumed be able to get the Government into our hands, and in that case it would be useless for them to go. He told S. also that he was willing to enter into an arrangement with us; & would advance through a Mr. Drew $10.000 to help us to fit out a schooner & go down, provided we would receive him & his men, and allow them to share in the enterprize. He was willing, he said, to recognize me as Governor, if I would make him the Commander in Chief of any Military force that we might see fit to raise; & that he would yield obedience in all things provided we would permit his men to share equally with our own in the distribution of the land &c &c &c.

Capt Ferguson has also informed me that Kinney was determined to go, & that nothing would stop him, but our being there before him. He counts confidentially on the co-operation of Martin & other of the rascals, who have had the control at Greytown for the last two or three years.

He says, however, that there are a number of people there who would join us as soon as we got there though we, had but ten men with us especially if we had the good will of the "*damned Transit Company*" who could furnish us with 150 or 200 men, & boats and men to keep him from getting up the river. Ferguson says Kinney remarked, that the "man first on the ground would have the country" that if Cooper got there first he had an oily tongue, & would talk the people into opposition to him, & put mischief into the heads of the damned Nicaraguans. But that if he was there in advance all Hell couldn't root him out &c.

There is some truth in this. But by the programme we marked out we cannot expect under any circumstances to be in the country before the latter end of September. In the meantime this Scapegrace, may, by going South elude the vigilance of the Govt, as he would have done already, had it not been for the superior sagacity & energy of White. The only quality Kinney possesses, is a Bulldog pertinacity & I think from what Ferguson tells me of the means he has managed to wheedle out of certain parties, he may be able to go South & get off. He says there are a number of men of means at Corpus Christi, ready to embark in any Fillibustering enterprize that may be set on foot; & that they were under the previous arrangements made by Kinney to follow him to San Juan as soon as he was established there. These, he has no doubt, will raise the necessary means to equip a vessel for some other professed purpose, & then use it for conveying Kinney or his men to Greytown, if he cannot get there otherwise. Ferguson who dislikes Kinney, says the only way to prevent him from prosecuting the enterprize is to hasten down with a few good men & get possession of the Govt of Greytown; & then by the aid of the Transit Company could furnish in case of an invasion, exhibit the futility of any attempt that he might otherwise be disposed to make.

Having up the matters I wrote you about in my last

Kenney.

The original of that letter is now in the hands of Mr. McKeon U. S. District Attorney of Southern District of N. Y.

Hoping you will excuse the trouble I cause you, I remain, Sir, [etc.].

1301

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

NICARAGUAN LEGATION, NEW YORK, *June 2, 1855.*

The undersigned has, with sorrow and astonishment, been informed of the departure, from the port of San Francisco, in California, of the so-called Colonel Walker, in company with several armed persons, who are on their way to the territory of the Republic of Nicaragua, in evident violation of the laws of both countries.

The undersigned, who is, and has been, an ocular witness of the efforts made, and of the prompt and energetic measures, recently adopted by the Federal Government, in order to restrain and suppress the piratical and criminal expedition formed in New York and other points, by Kenny, Fabens and associates, who propose to invade, on the Atlantic side, the territory, and to destroy the government of Nicaragua, cannot avoid expressing to the Hon. Secretary of State of the United States the regret he feels at the indifference shown, on this occasion, by the authorities of the State of Upper California, who, had they been better disposed, might have seconded: in that remote part of the American Union, the noble and generous efforts of the federal government, in the State of New York.

The undersigned also regrets that the strictest and most imperative duty imposes upon him, on this occasion, the binding obligation of protesting, as he does, in fact, hereby protest, in the strongest and most energetic manner, against the tolerance of the authorities of San Francisco and against the departure, from that port, of a military expedition against a sister nation, who is in the most perfect peace and harmony with the American people and government.

The undersigned avails himself of this occasion [etc.].

[1] Notes from Central America, vol. 2. Received, presumably, June 3. See note 2, p. 464.

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

NICARAGUAN LEGATION, NEW YORK, *June 2, 1855.*

The undersigned has the honor to send to the Hon. Secretary of State of the United States:

1º A printed copy of the law of colonisation voted by the National Assembly of the late Central America Confederation, the 25th January 1824.[2]

2º A copy of the protestation addressed by the Government of Nicaragua on the 27th april last to the Hon. J. H. Wheeler [3] Minister Resident of the United States against all projects of colonisation which have not had the previous consent of the Government, but principally opposing Kinney's expedition to Nicaragua.

3º A copy of an extract of the dispatch from the Secretary of State of the Republic of Nicaragua addressed to the undersigned on the 19th may last[4] conveying the orders and the instructions relating to the conduct which this legation must observe in regard to said expedition and to refute at the same time the assertions of Mr. Fabens who pretends that his projects had received the sanction of the Government.

The District Attorney of the United States for the southern District of N. Y. will call the case of Kinney and Fabens for Wednesday next 6th instant and as the accompanying papers will be of the greatest necessity for the trial, the Undersigned hastens to beg the Hon. Secretary of State to be pleased to send by return of Post a legalized copy to the District Attorney Mr. McKeon, of all these documents, in order [that?] they can produce, officially, all the necessary effects.

The Undersigned avails himself of this opportunity [etc.].

1303

John H. Wheeler, United States Minister Resident in Nicaragua, to Mateo Mayorga, Minister of Foreign Affairs of Nicaragua [5]

No. 14 GRANADA, *June 18, 1855.*

EXCELLENT SIR: I have the honour of acknowledging the receipt of your despatch (Nº 13) dated the 15th instt;[6] for the friendly feelings therein expressed

[1] Notes from Central America, vol. 2. Received June 5.
[2] Not within the scope of this publication.
[3] Above, this part, doc. 1290.
[4] Not found in the volume with the file copy of this note.

His Excellency the President, and yourself, in behalf of Nicaragua, cannot but be gratifying to my Gov^t. That, in your opinion, I have been enabled satisfactorily and promptly to aid in the completion of important Treaties for the mutual advancement of the welfare of the two Republics, is most agreeable to me; and it is more to be attributed to the spirit of equity which prevades the instructions of my Govt. under which I am bound to act, and to the liberal and patriotic feelings of Nicaragua, than to any talent or ability which you are pleased to attribute to me.

I would respectfully call the attention of His Excellcy, the President, and yourself, to the subject communicated in confidence in my last Despatches from my Government—the subject of San Juan de Nicaragua. The views of the President of the U. S. as expressed to Mr. Crampton, Her Brittanic Majesty's Envoy Extraordinary and Minister Plenopotentiary, through the Sec^y of State, coincides as you observed, very closely with those expressed by me, in our first official interview. The positions and arguments of the President, the ability with which these views are presented, must command the admiration and respect of the Government of Nicaragua. No answer has been transmitted, to my knowledge, by Mr. Crampton; nor, is it believed, that either he or his Government can successfully reply. The mythical personage of a Musquito King set up, for the occasion by the fertile imagination of English ambition, is fast dissolving itself into its original elements of obscurity, if not contempt. The idea, that so important a part of the sovereign domain of Nicaragua should be claimed by, or pay tribute to such "a King of shreds and patches", finds favour with those persons only, who wish to prostrate the honor of Nicaragua, and rob her of her rightful property.

The position of San Juan is the Key which unlocks the Territory of Nicaragua to the Atlantic Ocean. Its importance to her national character, commercial intrests, and future prosperity cannot be estimated. It is lamentable to see its present condition of anarchy and lawless violence; subject to no Laws; paying tribute "to neither God, nor Cæsar", the refuge of runaways, renagades and rascals. It should be under the controul of wholesome Laws enforced by a responsible government.

The Government of the United States regards San Juan de Nicaragua as a part of the Republic of Nic^a and will not participate in any attempt to dismember this Republic by detaching the only important Atlantic sea Port belonging to it; Nor will my Government look with approval, or indifference upon such attempt, by any person, or party of persons; or by any Power, or combination of Powers on earth, be they feeble or formidable.

During my visit to Washington City (whither I go in a few days in my interviews with the President and Secretary of State, the intentions of the present Executive of Nicaragua may be the subject of enquiry. That I may

Mateo Mayorga, Minister of Foreign Affairs of Nicaragua, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

GRANADA, *June 21, 1855.*

HONORABLE SIR: The dispatch of Your Lordship, Nº 14,[2] to which I have the honor of replying, is very interesting and estimable both in substance and form. Your Lordship solemnly declares that the eminent Government of the United States regards San Juan de Nicaragua as a part of Nicaragua, that it will not participate in any attempt to dismember this Republic by detaching the only important Atlantic seaport belonging to it, and that neither will it look with indifference or approval upon such an act by any person or by any Power or combination of Powers on earth, be they feeble or formidable. This declaration has filled my Government with great satisfaction, and it has received it with the highest appreciation, according it the great importance that it deserves.

It is in immediate accord with the sentiments and disposition sustained in the matter by the illustrious Government which Your Lordship so worthily represents, and therefore must carry much weight in the opinion of civilized nations both because of the respect which that Government merits, and that which the justice of the case deserves.

His Excellency the Deputy President sees in that disposition and those sentiments an unmistakable proof of the sincerity with which the Government of the United States acts, of the consideration which guards the rights of Nicaragua, of its friendship for it, and of its noble decision to protect its territorial integrity. In return therefor, the undersigned, in the name of His Excellency and of the Republic, offers Your Lordship and the people and Government of the United States most sincere thanks, and assures them of its highest gratitude.

Your Lordship understands quite well that it is not possible to determine from now on the subsequent conduct of my Government with respect to San Juan. It depends upon the circumstances and the aspect which the affairs of the country may assume in consequence of the outcome of its internal difficulties; but it is certain, and by order of His Excellency the Deputy President I declare it to Your Lordship, that San Juan will never cease to be

[1] Despatches, Nicaragua, vol. 2, enclosed with Wheeler to the Secretary of State, No. 17, July 1, 1855, below, this part, doc. 1305. [2] Above, this part, June 18, 1855, doc. 1303.

recognized and held as an integral part of Nicaragua, and that on this basis will rest all the measures that may be adopted, no act or attempt on the part of a foreign Power against the sovereign rights of Nicaragua over San Juan or any other part of its territory whatsoever being permitted.

The undersigned will avail himself of the generous offer of Your Lordship to convey to our Minister at Washington the dispatches which I may have for transmission to him; and again wishing Your Lordship a happy journey, I remain, with pleasure [etc.].

1305

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

No. 17 SAN JUAN DEL NORTE, *July 1, 1855.*

SIR: I have the honor of enclosing two Treaties formed under your instructions, by me, with the Republic of Nicaragua.

The first, dated 9th June 1855 is a Declaration in conformity with the Treaty with Russia of 22d July 1854, that "Free Ships make Free Goods."

The second, dated 20th June 1855, — of "Friendship, Commerce and Navigation", is of much importance. It is concise; and suited to the condition of the two Nations, and in forming it, I kept constantly before me my instructions.

After I had advised this Govt. that I was authorized to form a Treaty, or Treaties; and was ready; Commissioners were appointed by the President, (Messrs Escobar and Eviles) one of them a member of their Congress, and both lawyers of some reputation; We had a formal meeting, and I laid before them the Treaty formed by Mr. Borland on 14th Feby 1854; with sundry alterations, as instructed by you. The Comrs took the Treaty; and at our next meeting informed me, that they deemed the Treaty verbose, and unnecessarily long—they used the term *flatuoso* (windy); We therefore went heartily to work, and formed a new Treaty, chiefly on the basis of the Treaty with Costa Rica, made 10th July 1851, and ratified on 26 May 1852.

The article XIV, as to the surrender of fugitive criminals, is not in the Costa Rica Treaty; But it is to be found in the Convention with Prussia and the other states of the Germanic Confederation dated 16th June 1852, ratified 27th May 1853, and in other Treaties.

As to the clause in the IX article, that Marriage with a Native, shall not change the national character of the citizen, it may be well to observe that by the Constitution of Nica when a Foreigner marries a native citizen, he

citizen of Nicarargua. Hence this article—A similar one was recognized in the Borland Treaty which was admitted by you.

So every important point set forth in this Treaty has received the sanction of the Govt. of the U. S.

As the Treaty is formed on these principles, and in conformity with my instructions, I will not doubt as to its favourable reception by you, and the President, and its final ratification by my Government. This is very important; as the former Treaty was not ratified, and if this meets the same fate, these people will cease to endeavour to make any Treaty with the U. S.

I complete the records of this Legation to this date, by the documents enclosed V. W. X. Y. Z. I beg leave to call your attention to the communication from me to the Secy. of Foreign Affairs Y. And his reply Z. as to San Juan de Nicaragua.[1] As I passed this port, I found an English Steamer

[1] The five enclosures could not all be identified, since the enclosure designations mentioned had disappeared, possibly clipped off in preparing the manuscripts for binding. The last two are evidently the note of Wheeler to Mayorga of June 18, 1855, and of the latter to the former dated June 21, 1855, above, this part, docs. 1303 and 1304. Another is a brief transmitting note of June 2, 1855 from Mayorga to Wheeler, not included in this publication, enclosing the printed text of the decree with introductory comments, of which the following is a translation:

[TRANSLATION]

From the "Boletín Oficial" of June 2d 1855.

The Kinney expedition

It appears that the expedition projected by the adventurers Kinney and Fabens against the territory of Nicaragua, is about to be carried out. Although the attention of Government is engaged in the internal war which inopportunely and unfortunately divides the country; nevertheless, it does not forget that its first duty, the most important and sacred imposed upon it by the constitution and the laws, is to maintain the independence of the country, and preserve the integrity of its territory. It has taken the necessary steps to bring about so important an object: it has ordered the garrisons of the sea-ports to be reinforced, and to be fortified and provided with a sufficiency of the munitions of war.

It has now issued the decree which we insert below, calling to arms all able-bodied citizens of Nicaragua, for the defence of the country and for the preservation of the national sovereignty, now seriously menaced by a party of adventurers, who, contrary to all reason and justice, and violating the most sacred rights of nations, attempt to make themselves masters of the territory of Nicaragua and to establish therein a foreign dominion; and they attempt this relying without doubt upon the very propitious opportunity offered by that infamous and dishonorable faction, which, under the control of ungrateful citizens and traitors to the Republic, are only endeavoring to gratify their ignoble passions, without reflecting that they have a country, that to defend it they are under obligations to shed the last drop of their blood, and that if all do not make common cause and make preparations for its defence, it will perhaps be taken by foreigners; and then, those who now think only of gratifying covetous and base desires, and who forget the most sacred obligations which they have contracted with society, will have to weep for its disgrace and shame.

It is now time that the citizens of Nicaragua should cease to destroy each other, brother against brother; the moment has arrived when, laying aside all their baneful animosities, they should cling to each other as natives of the same soil, and should prepare themselves for the national war with which we are threatened, shedding gloriously therein the blood which they are wasting to no purpose; it is time that those who are

having for its chief the notorious T. J. Martin.

brought to a close; and let all citizens of Nicaragua fix their eyes upon the integrity of the national territory, and resolve to preserve it at all hazards.

Meanwhile, the Government having also taken a lively interest in dispelling even the shadow of justice with which the adventurers seek to extenuate their piratical undertaking, has taken care to obtain by request from Srs Ldo don Fermin Ferrer and Pro. don Sixto Sosa, the facts with regard to the fictitious sale of land which the former declare to have been made to them by the latter. The Minister of State by order of H. E. the Deputy President issued the necessary orders to the above named gentlemen Ferrer and Sosa, who were then at Chontales, to come to this city, and in obedience to the supreme command they arrived here yesterday, and having been interrogated in regard to that sale, full of indignation at so barefaced a falsehood on the part of the filibusters Kinney and Fabens, they made the deposition which will be found below. When the Minister of State declared, in his protest of the 26th of the past month, that that purchase was false, he said so relying upon authentic information; and the country and foreign nations will appreciate the imposture of the above named Kinney and Fabens, in announcing that they had acquired lands within the Republic.

"The Deputy President of the Republic of Nicaragua to its inhabitants.

Having in possession postive information that the adventurers Kinney and Fabens are preparing and arming, in the United States of North America, a piratical expedition against the Republic, with the intention of coming to take, under false pretexts, some lands from it: having moreover in possession information that said expedition has resolved to assail and destroy the independence of the nation: and it being the duty of all citizens of Nicaragua to unite in its defense,—and the sacred duty of the Government to preserve the integrity of the territory of the Republic, and to save its sovereignty and liberty by such means as will conduce to that result; in the exercise of his powers

HE DECREES

Article 1st. All able bodied citizens of Nicaragua are called to arms, to defend the independence of the country against the foreign piratical invasion which threatens it.

Article 2nd. Consequently, after the publication of the present decree, they will be enlisted to afford their services when the occasion has arrived, promptly proceeding to place themselves at the disposition of the military chief of the respective locality, as soon as the signal of alarm, which he may see good to designate, is given.

Article 3d. The citizens of Nicaragua are obliged, if the expedition is really carried into effect, to pursue to the death such persons belonging to it as enter the country; and those who do not carry out this order, are subject to the penalties which the Government determines upon.

Article 4th. Those who accord to the enemy, hospitality or any other kind of assistance shall be considered and treated as traitors to the country.

Article 5th. For the present, and as long as any probability exists that said expedition may be carried out, no foreigner is permitted to reside permanently in any place on the frontier of the Republic, and the respective Military Commandants shall make them retire, without delay, into the interior, to the principal towns.

Article 6th. The preceding prohibition does not apply to such foreigners as have previously settled in the country, or to those who, with the consent of the Accessory Transit Company, are conveyed into Nicaragua, it being understood that neither of these classes of persons shall have given just grounds for supposing them to be accomplices in said expedition, or friendly towards it.

Article 7th. The adventurers Kinney and Fabens are forbidden to enter within the Republic, whatever may be the object and character in which they may assume to come; which also applies to every foreigner known to be a filibuster. And if they should succeed in penetrating into the interior, the authorities of the Republic shall take care to apprehend them, and send them to the nearest Commandant, in order that the latter, may for better security, transfer them to the Military Governor of the Department where the Government resides.

Article 8th. In case any town of the Republic is occupied by the filibusters, the inhabitants of the same are obliged to abandon it, and to resort to the nearest place where there are any Government forces. Those who do not conform to this, shall suffer the penalties which the Government prescribes.

I would also inform the Department that a force of about 270 men under Colº Walker had landed near San Juan del Sur, and reports on the day I left were that he had taken Rivas and San Juan del Sur.

With sentiments of high esteem, I am [etc.].

1306

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

PORT CHESTER, N. Y., *August 11, 1855.*

If the publication made on the 7th inst, in nearly all the New York journals, giving a detailed account of the arrival of the so-called Colonel Kenney and followers, and of his establishment at the Port of San Juan de Nicaragua, is entitled to any credit,—it seems that the Consul of the United States at Turks Island, Mr. John L. Nelson, and the Commercial Agent at San Juan, Mr. Mason, the friend and partner of Mr. Fabens, have inconsiderately favored Kenney, the former even accompanying him on his voyage,—Kenney who laboring under the weight of a criminal accusation, avoided by flight the action of the Courts in Philadelphia and New York.

The undersigned cannot do less than call the attention of the Hon. Secretary of State of the United States, to the inexplicable conduct of those functionaries, whose sole office is to watch, protect and defend the interests and rights of the citizens of the Union, and not to shelter, aid and favor unlawful enterprises, reprobated and condemned by the laws of their coun-

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Article 9th. The several executive officers are charged with carrying this decree into execution, communicating the same to whomever it may concern.

Given at Granada, on the 1st of June 1855.=José María Estrada."=A true copy. Department of War of the Republic of Nicaragua.=Granada.=June 1st, 1855.

BARBERENA.

To the Minister of Foreign Affairs of the Government of the Republic of Nicaragua. Granada. June 1st. 1855.

SIR: In reply to the question, which, by order of H. E. the Deputy President of the Republic, you have addressed to us, as to whether we have sold or ceded lands to Messrs Fabens and Kinney, we have the honor to state to you, that we have never sold nor ceded a hand's breadth of land, in any part of the Republic, either to the gentlemen referred to, or to any other foreigner.

This we state to you as the truth, and we sign ourselves your very obedient servants:

PRESBITERO.

try, and against which their own Government has believed it to be its duty to exercise a just and rigid vigilance.

The undersigned, who trusts that he will meet upon this, as he has upon all preceding occasions, the like sentiments of justice, and the same interest and regard for the intimate relations which now happily unite the American Union and the Republic of Nicaragua, hopes that the Secretary of State will be pleased to obtain the necessary information for ascertaining the truth of these facts, for the purpose of dispensing the requisite censure and proper punishment upon those functionaries, in case they shall have really abused their powers and prerogatives, and failed in their duties.

The Hon. Secretary of State, who is fully informed of the facts and circumstances connected with the plans of invasion of Kenney, Fabens and their associates;—who has in his possession documents and irrefragable proofs of the falsity of the assertions of these men, of the deceptive character of their advertisements, and of the dishonesty of their promises, will not be able to look with indifference upon the events which are now in progress in the Republic of Nicaragua; the struggle which is there threatened; the permanent conspiracy organized in New York and other points in the United States;—and finally the conduct and complicity of those who having thwarted and evaded the provident vigilance of the law, have succeeded in setting foot upon San Juan, and have established there the head-quarters and focus of their intrigues and criminal designs.

There has been a considerable increase in the number of those who, allured by the invitation given by Kenney in his letter of the 5th of June last, published in the "Herald" of the 19th of the same month,—have left the shores of the United States to transfer themselves to San Juan, to swell gradually the number of the pirates, and to form an invading army, with the intention (to invade) to introduce confusion and disorder in the Republic of Nicaragua, to provoke just and merited reprisals, and to deluge the country with blood.

The remains of buildings are still burning, and the ruins and ashes produced by the torch and hand of Walker are still smoking,—the blood that has been shed is still warm;—and years will elapse before the bitter tears will be dried which that brigand has caused to be shed by numberless families in both sections of the continent of America.

The undersigned may therefore be permitted to submit to the upright judgment of the Hon. Secretary of State a question which, according to his manner of thinking, interests in the highest degree the honor and dignity of the Union, as it also does its international relations with Nicaragua, and even with the whole world: that is to say,—whether up to a certain point

with aforethought, compromise the dignity, the harmony and good international relations of their country, which they seem desirous to abandon at any moment, with the premeditated intention to invade a friendly, "faithful" and inoffensive Republic, which has confided in the good faith of the relations which happily have been established between the two countries, and in the sincerity of the fraternal promises so profusely and constantly lavished.

The undersigned will also leave it to the wisdom and judgment of the Hon. Secretary of State, to decide whether, under such facts and circumstances, the American Union has not contracted, before God and mankind, an moral obligation to put down such undertakings, and a duty to oppose by physical means the consummation of crimes which, although perpetrated in a foreign country, have originated have been conceived, planned and resolved upon, on the soil of their country, in despite of the law, and to the manifest injury of the just and well merited universal reputation of this great Republic.

In the firm expectation that the Hon. Secretary of State will not fail to duly appreciate the facts set forth in this letter, nor to take into serious consideration, the reasonable reflections expressed therein, the undersigned now repeats his former request; that is to say, that the Government of the United States put in commission a vessel of war, which being stationed in the waters of San Juan, may impose respect upon the pirates, may repress their anarchical plans, may prevent the congregation of suspicious persons in that locality, and may oppose every disembarcation of arms, ammunition, and any other article to which reasonable suspicions can attach.

The undersigned embraces this occasion [etc.].

1307

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

PORT CHESTER, N. Y., *September 7, 1855.*

The Hon. Secretary of State of the United States is not unaware of the difficulties against which the Government of Nicaragua has contended for more than sixteen months. On the one hand, the Republic was devastated by civil war, which threatened to swallow up the country in one frightful chaos: on the other, were the attempts at invasion made by various unauthorized citizens of the United States, who under one pretext or another,

and their associates were plotting at Washington, Philadelphia, and New York, a villainous conspiracy against the sovereign rights of Nicaragua;—a conspiracy which was promptly, nobly and energetically repressed, for the most part, by the United States' Government;—Walker,—sailing from San Francisco, with the knowledge, and in the face of the federal authorities of the State of California,—invaded the Republic of Nicaragua, grasping the sacrilegious firebrand, and brandishing the bloody sword.

The undersigned, whose sacred duty it is to watch over and protect the rights and interests which have been entrusted to him by his Government, believed, that by means of a combination with the Accessory Transit Company, against which the designs of the conspirators were likewise levelled,—certain steps could be taken to thwart and put down the intentions and projects of those bandits; and it was this which suggested the idea of collecting together and forming in New York a company of foreigners, who were to serve for a limited period, for the sole purpose of opposing the plans of Kenney and his associates in case the latter, taking advantage of the unhappy existence of a civil war, attempted to invade the Republic.

But the undersigned, anxious to pay the tribute of respect which is due to the institutions of the country, and for the purpose of *previously satisfying himself if these proceedings were or were not in conformity with the laws which are in force in this Republic*, took the precaution to ask, confidentially, Mr. Mac Keon [McKeon?], the United States District Attorney for the Southern District of New York, whether the formation and organization of the foreign company above alluded to, would be a violation of the neutrality laws of the United States.

Mr. Mac Keon having replied that *these proceedings were not illegal, and were not a violation of said laws*, the undersigned reasonably believed that he had not the slightest obstacle in the way to prevent him from taking measures; as he did in fact, and publicly take measures;—to a certain extent, to effect said organization.

But towards the middle or close of June last, Mr. Mac Keon, in company with Mr. Joachimson, called at the house of the undersigned,—and stated,—that after having maturely reflected upon the question he had arrived at an opinion diametrically opposite to that which he had formerly expressed.

The undersigned stated, upon the same occasion, to said Messrs. Mac Keon and Joachimson;—that it being one of his principal duties to respect the laws and regulations of the country where he had the honor to reside in the character of Envoy Extraordinary and Minister Plenipotentiary of Nicaragua; he annulled all proceedings that he had hitherto taken, he ceased

marked No. 2.

The undersigned also believed that it was his duty to inform the Government of Nicaragua of this occurrence;—and he did in fact address to the Hon. Secretary of State, Sr. Dn Mateo Mayorga, a communication, of which an extract is enclosed marked No. 3.[1]

[1] The texts of the three enclosures mentioned in this, and the preceding paragraph, follow:

José de Marcoleta, Nicaraguan Minister to the United States, to J. L. White, Counsellor and Attorney of the Accessory Transit Company of Nicaragua

[TRANSLATION]

No. 1 NEW YORK, *June 30, 1855.*

MY DEAR SIR: The District Attorney of the United States for the Southern District of New York has just addressed me the following letter:

(Here follows the letter of Mr. District Attorney Mac Keon, of the 30th of June 1855. [Not quoted in the file copy.—Ed.])

It is therefore my duty to inform you, that as it is one of the principal and most important duties of every Public Minister, to respect and observe the laws of the country to which he has the honor of being accredited,—not only is it impossible for me to continue to direct and approve of the enlistments, which I believed to be lawful, of the Company of Foreigners, who were to serve for a limited period, in Nicaragua, with the forces of the Republic;—but, moreover, that I *declare null and void* all that was done previously to the day upon which I received such intimation, because it was in violation of the Laws of the United States, in force;—to which I render the respectful homage which is due them, and which I am bound to afford.

Be pleased to accept the assurances of my distinguished consideration.

José de Marcoleta to District Attorney Mac Keon

[TRANSLATION]

No. 2 NEW YORK, *July 2, 1855.*

MY DEAR SIR: I have received the communication which you have been so good as to address to me under date of the 30th of June last [Not found.—Ed.], in relation to the enlistment and organization of a company of foreigners, who were to serve with the forces of Nicaragua for a limited period.

The only response which I can make in the matter is contained in the annexed copy of a letter addressed to Mr. White on the 30th of June last [Above, this footnote.—Ed.], the language of which can afford full satisfaction to the Government of the Union and to its representatives in the States of the confederacy.

Be pleased to accept the assurances [etc.].

NOTE. With this letter I transmitted a copy of my communication to Mr. White of the 30th of June last. M.

José de Marcoleta, Nicaraguan Minister to the United States, to Mateo Mayorga, Minister of Foreign Affairs of Nicaragua

[TRANSLATION—EXTRACT]

No. 3 NEW YORK, *July 3, 1855.*

MY DEAR SIR: When I sent you the agreement entered into on the 19th of last month with the Transit Company,—to defend the river San Juan against the filibustering attacks of Kenney;—I was under the impression that I had acted in conformity with the laws of the country, in consequence of a statement made to me by Mr. Mac Keon, the District Attorney of New York, in a casual conversation.

But said District Attorney paid me a visit on the 29th day of last month for the purpose of stating to me that he had hitherto made a mistake in expressing the opinion that the enlistment of foreigners or native citizens, for the service of a Power which was not at war with the United States, nor with its allies, was perfectly lawful. I requested the District Attorney to have the goodness to state to me in writing his present opposite opinion, which he did on the following day,—in the terms which you will perceive in the copy of the letter which subsequently I deemed it my duty to write to Mr. J. L. White,

States, that from the moment he was advised of the illegality of the proceedings above stated, he abstained *wholly and entirely* from taking any part in them; and in no respect, whether personally or through others, whether directly or indirectly, has he had the slightest or most remote connection with this business.

Such is a simple statement of what the undersigned has the honor to give in reply to the note which was addressed to him, on the 3d instant,[1] by the Hon. Secretary of State of the United States,—to whom the undersigned hastens to renew [etc.].

1308

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [2]

Confidential NEW YORK, *September 15, 1855.*

MY DEAR SIR: I hasten to inform you that I have just known by an indirect way, that my Government, in consequence of the destpach of which I had the honor to transmit to you a copy, marked nº 3, in my last communication of the 7th inst.[3] had refused to do any thing with the foreigners who went to Nicaragua with the purpose of joining the army of that Republic—because it was in contravention with the neutrality laws of the United States.

I have, Sir, the honor [etc.].

1309

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [4]

[EXTRACTS]

No. 23 GRANADA, *September 21, 1855.*

SIR: I reached San Juan del Norte on the 16th inst. and I take an early occasion to reply to your despatch (Nº 11) dated 1st instt.[5]

In reply I report that a force of 40 men, 5 non Commissioned Officers, and 4 commissioned, left New York on the 5th of July last in the Steam Ship *Star of the West.*

Their object was to protect the intrests of the Accessory Transit Company, as appears by a letter of Hon. Jos L. White, to the Commander of the Com-

[1] Above, this volume, pt. 1, doc. 1056.
[2] Notes from Central America, vol. 2. Received September 18.
[3] Above, this part, is his communication of the 7th instant, doc. 1307, and in note 1, p. 477, is the text of the enclosure No. 3, dated July 3, 1855.

pany, Col° Titus Felin Gazynski (copy of which accompanies this despatch, marked A) and for the further purpose of aiding the present government of Nicaragua, as will appear by a letter from the Commanding General of the Nic^a army to Col° Gazynski (copy marked B).[1] For this purpose they were organized into a military company, and assumed in part the uniform of the U. S. army.

They are now disbanded; Some of them with their Commander have returned to the U. S.—Some of them employed as laborers by the Accessory Transit Company. Some of them with Col. Kinny and Some of them enlisted as soldiers in the Nicaraguan Army.

They left the U. S. with an agreement to serve as soldiers—This agreement was made with Jos. L. White, Counsel for the Accessory Transit Company, and by Mr Marcoletti [Marcoleta], Minister from Nicaragua to the U. S.—Their expenses were borne by the Accessory Transit Company—One month's pay was advanced by sd. company, to the Officers and men the same pay as to a Colonel and privates in U. S. Army—Land was promised by Mr. Marcoletti—

Their term of service was for four months.

These answers cover all the ground presented by your queries on this subject.[2] . . .

I communicate herewith a number of a newspaper the "Central American" issued on the 15th inst. at San Juan del Norte. It will be seen that H. L. Kinny has been choosen "Civil and Military Governor of San Juan del Norte and the territory thereunto belonging. Upon invitation from this Government, a Commissioner (Jos. W. Fabens) is now in this City, and from all I can learn, the prospect of their undisturbed possession from this Goverment seems fair. I call the attention of the President and yourself to this era in the history of this Goverment, and new phasis of the Kinny Expedition. I have no other communication to make concerning this point nor have I seen or conferred in any manner with Mr. Kinny—

But a far more serious and bloody occurrence took place on this side of Lake Nicaragua. On the 3^d ins^t at Virgin Bay Col° Walker with about 160 men, was attacked by the forces of this Republic under General Santos Guardiola—more than 400 strong—and the latter were repulsed with great slaughter, losing killed and wounded more than one hundred men—Walker's loss was very slight, and he has now possession of both Virgin Bay & San Juan del Sur, where it is said he is awaiting reinforcements from California and New York by the last Steamers. The whole forces of this Republic have been concentrated near *Rivas* which is within 10 miles of Virgin Bay, and same from San Juan del Sur—under Genl. Corral.

loss in the fall of Genl. Munoz, who fell fighting gallantly in the battle of Sauze on the 18th ultº and in the death of Genl. Castellon its chief Civil Leader, who died of cholera at Leon on the 4th inst.

". . . Alas poor country! Almost afraid to know itself. It cannot Be called a mother, but a grave". I deem it proper, earnestly to request that a Ship of War be ordered to San Juan del Norte, as promptly as possible. The disordered state of this Country demands the presence of such a force.

The Commercial Agent, recently appointed at San Juan del Norte (B. Squire Cotrell) came out with me, and is now here; I have requested from this Government his Exequatur, which was promptly issued.

I also communicate a complete file of the Government newspaper, published here from 16 June to 1st. inst. In them you will observe the state of feeling of this Government as to the Expeditions of Walker and Kinny—the condition of the Revolution, and an account of the first battle at Rivas, in which Walker was defeated. . . .

I have the honor [etc.].

1310

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *October 8, 1855.*

In consequence of the events which took place on the 6th of September last, in the port of San Juan de Nicaragua, on which day the adventurer Kenney consummated a new act of usurpation, by arrogating to himself the exercise of the military and civil authority of that place; and for the purpose of making the necessary reservation of the sovereign rights of the Republic of Nicaragua; the undersigned, in the name of his Government, solemnly protests against, and declares to be null, and of no value or effect,—all proceedings intended to foster or sustain the usurpation perpetrated on the 1st of January, 1848.

In making the preceding declaration, the undersigned believes it to be his duty, at the same time, to inform the Hon. Secretary of State of the United States, that the Convention held in San Juan on the day above mentioned, was only attended by the pirates who accompanied Kenney in his flight,—and by a few individuals, residing in the port, against whom the Government of the United States, in 1854, found itself compelled to adopt certain rigorous measures. The native born citizens, and the other foreigners resident in San Juan, not only refrained from paying any attention to the call for a Convention, but they energetically protested against the resolutions that were

adopted, and against the usurpation consummated, upon that day. Even the British authorities who were invited, and also the Captain of the vessel of war "Euridice",—refused to acknowledge those proceedings.

The undersigned does not doubt that the Hon. Secretary of State of the United States, in conformity with the just and sound principles of policy, adopted and constantly pursued by the Government of the United States with respect to the sovereignty of Nicaragua over the Port of San Juan and the Mosquito Coast, will disapprove of and repudiate the proceedings of these new usurpers, who by their lawless intrigues, and in their character as American citizens, are attempting to affix a stain upon the good name of a noble, great and generous Nation, of whom they are degenerate sons.

The undersigned avails himself of this opportunity [etc.].

1311

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACT]

No. 24 GRANADA, *October 10, 1855.*

SIR: . . . Political affairs in this Republic are in the same disturbed condition as when I last wrote. (Despatch No. 23)[2]

It is said, and beleived, that this Government are about granting a large portion of Lands to Kinny, in the eastern portion of this Republic; and that the forces of Walker are so much augmented, in the West, by reinforcements, that the Government forces are unwilling to give him open battle.

I repeat my request that you desire the Sec. of the Navy to direct a Ship of War to call at San Juan del Norte, and that its Commander confer with this Legation.

I have the honor [etc.].

1312

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [3]

No. 25 GRANADA, *October 14, 1855.*

SIR: Since writing my last dispatch [4] events of much importance have occured.

[1] Despatches, Nicaragua, vol. 2. Received November 10.

On yesterday at 6 o'clock in the morning the forces of Colº William Walker amounting to 400 men (of which 92 were Americans), attacked this place; after a sharp fireing of 15 minuets this city was taken—Walker had two men wounded, the Granadians 4 killed, many wounded, and about 40 prisoners. The President of the Republic fled, but some of his chief officers are prisoners —and a proposition of peace has been made by which Walker is appointed Provincial President for One Month, and an Election is to be ordered by the people, and the President Elect to take office at the end of one month.

I hope that this may settle this distracted, yet beautiful country.

I have the honor [etc.].

P. S. Enclosed is a copy of Walker's proclamation of this date.[1]

1313

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [2]

[EXTRACT]

No. 26 GRANADA, *October 23, 1855.*

SIR: Fearing lest by the tumults of War that still disorder this unhappy country my last dispatch[3] miscarried, I forward a duplicate. This dispatch

[1] The following is the text of Walker's proclamation:

[TRANSLATION]

Manifesto addressed to Nicaraguans

GRANADA, *October 13, 1855.*

At the hour of six o'clock, this morning, I took possession of this city, after a slight resistence offered to the troops under my command, by those of the supposed legitimate Government.—During the little skirmish, three or four soldiers of the enemy had the misfortune to be killed; but after the triumph which I was bound to obtain, no personal molestation has been offered to any one; all those families who were expecting incendiarisms, robberies, assassinations, shooting and unutterable immoralities, as the lying legitimists had repeatedly foretold, have seen and witnessed quite the contrary.— My duty, as the Chief of the expeditionary forces of a government liberal in principles, whose views are to maintain the vital interests of the State, protection to the laboring man, security to the citizen, encouragement of the arts, science and agriculture, etc, etc,— was to preserve, and cause to be preserved, order— Thus it is that although I caused the arrest of Messrs Don Dionicio Chamorro, Don Toribio Jerez, and other personages of high consideration, who were the principal agents of legitimacy, I did nothing with them, except to deliver them to persons of responsibility, to be kept in custody. I shall then continue to occupy the other towns of the State, and death to him that opposes the imperious march of my forces, into which will be admitted, without distinction of color, all who may desire to join them.

The people of Nicaragua must not allow themselves to be deceived, for this is the truth demonstrated by acts; and with that understanding, their happiness is in their own hands;—Here it is—a democratic Government in its true sense, guaranties, progress and Liberty.

Wm WALKER.

will inform you of the attack of this City by the forces under command of Col. Walker and its capture, and the proposition by its chief citizens to make him Provisional President. At the request of the chief officers of the late Government, the clergy, and Citizens I endeavored to make peace by conveying their resolves to General Corral—a copy of our correspondence is herewith enclosed Marked A. B.[1] . . .

I have the honor [etc.].

[1] The texts of the two enclosures, referred to, follow:

General Ponciano Corral, Commander-in-Chief of the Army of the Republic of Nicaragua, to John H. Wheeler, United States Minister Resident in Nicaragua

HEADQUARTERS, marching, *October 17, 1855.*

I am placed in the imperious necessity to manifest to the Minister of the U. S. A., that in consequence of his return to the City of Granada, in the Steamer of the Accessory Transit Company, taken by the Chief commanding the forces who occupy that place, with the object to hurt, the forces of the Supreme Government, who I have the honor to command in Rivas, I will now inform you that I am not, or will not be responsible for what may happen to you personally, for having interfered in our domestic dissensions to the prejudice of the Supreme Government, who has recognised and admitted him; as much as the same made himself bearer of communications and proclamations against the legitimately recognised authority; therefor, I now protest, and I give you notice. that on this same date, I informed the Secretary of State, of the U. S., Gov: Marcy, and the newspapers of N. York.

I am your dear servant.

John H. Wheeler, United States Minister Resident in Nicaragua, to General Ponciano Corral, Commander-in-Chief of the Army of the Republic of Nicaragua

VIRGIN BAY, *October, 18, 1855.*

I have the honor to acknowledge the receipt of your letter of yesterday, in which you inform me that you are "compelled to manifest to me your protest against my return to the city of Granada with the object of injury to the forces under your command in the town of Rivas.

I reply that I had no such object in visiting Rivas, as will appear more fully by a letter which I wrote to the Military Governor of that Department, a copy of which I enclose to you. I had no personal desire to leave Granada, but influenced by the Chief Citizens of Granada, (your own friends) the Venerable Fathers of the Church, the tears of your sisters, daughters and others, I consented to visit you, in company with Don Juan Ruez [Ruiz?], the Minister of War, and your Superior in office, bearing the olive branch of peace, and a proposition from the Commander General of the Democratic forces, to make you the Provisional President of the Republic.

When I found that you were absent, and when I desired to return to this place, judge my surprise when I was informed both by the Prefect and the Governor, that I could not return—and was thus held for two days actually a prisoner of War, with my Secretary, Servants and my national flag. For this gross act of the violation of the laws of Nations, and my rights as an Ambassador, I protest; and be assured, General, that my government will hold you and your government to a severe responsibility for this lawless act.

You further inform me that if I return to Granada, that you will not be responsible for my personal safety, and you will inform Gov: Marcy, the Secretary of State, and the newspapers of New York of my proceedings in this matter.

In reply I inform you that when I have kept my word of honor, given to the Governor of Rivas, to remain here two days to await your reply, I shall return to Granada, and that I do not request nor have I ever requested of you, to be responsible for my personal safety; the flag of the U. S., is sufficiently powerful for my protection, backed as it is, by a patriotic President, and thirty millions of people.

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACT]

No. 27 GRANADA, *October 30, 1855.*

SIR: My last dispatch (No. 26 dated 23rd inst.)[2] gave to you, with its enclosures, evidences of fearful outrages, and murder at San Carlos, and Virgin Bay, of American Citizens by the officers of the Legitimate Govt of Nicaragua.

I have the satisfaction to inform you that a Treaty of Peace was formed on 23rd inst between the Generals of the two parties, General Walker on the part of the Democratic party, and General Corral on the part of the Legitimate party—I enclose a copy [3] of this Treaty herein; and on yesterday the Treaty was consumated by General Corral, who marched, with his whole force of 500 men into this City, and united with the troops of General Walker —the two chiefs embraced on the field, and then "proceeded to the church to return thanks to the God of Armies for the termination of the War".

Don Patricio Rivas, the Provisional President has arrived in this City, and entered upon the discharge of his duties. He is esteemed as one of the best men of the Republic— As soon as the Departments are filled the Republic will be under another set of Rulers than those recognized by the U. S., and if no event of importance intervenes to call for any diplomatic action on my part, *I shall await instructions from you.* By that time too it will be ascertained if the People of Nicaragua have now substantially made another Change; or whether it be only a successful foray of arms, ultimately to be overcome by superior force.

It is confidently believed that the present condition of things will be permanent—and that substantial peace, for the first time, in 30 years, reigns in Nicaragua—that at least three of the five Central American states will form a federal union (San Salvador, Honduras, and Nica) under one President. . . .

I have the honor [etc.].

[1] Despatches, Nicaragua, vol. 2. Received November 12. Above 12 was written 16, in the receipt date endorsement.

The omitted portion at the end of this despatch is not pertinent to this publication.

[2] Above, this part, doc. 1313.

[3] Not included in this publication. The enclosure is a newspaper clipping.

John H. Wheeler, United States Minister Resident in Nicaragua, to General Máximo Jerez, Acting Minister of Foreign Affairs of Nicaragua [1]

No. 19 GRANADA, *November 2, 1855.*

SIR: I have the honor to acknowledge the Official dispatch of the Hon. Ponciano Corral, as Minister of War, of this date; [2] announcing to me the organization of the Government and your appointment as Minister of the Interior and Foreign Relations. I sincerely rejoice that Peace now reigns in this beautiful country and trust it may be permanent. I learn from the Treaty of Peace and other authentic sources that the Prefect (Castillo) and the Military Governor (F. Xatruche) are retained in command of the Department of Rivas; acting under the authority, and enjoying the confidence, of the present Provisional Government.

The gross outrage offered by these two officials to my character, and my flag while at Rivas on the 15th 16th & 17th ultos, by detaining me against my will, and consent; thus violating all the laws and usages of civilized nations; has been *reported to my Government, and will be promptly and properly resented by it.*

This compels me to decline all other official communications with you, until I am assured the Authorities of Nicaragua so far respect her own high regard for the rules of National Laws; and the comity of nations, by promptly withdrawing all confidence and countenance from these persons:— The undersigned begs that the Hon. Señr Jerez will not regard this note as any mark of personal feeling; but impelled by a just respect to the acknowledged and well defined rights of an Embassador; and the respect due to the great Nation which he has the honor to represent.

He takes this occasion to assure Señor Jerez the high consideration which he entertains personally for him and subscribes himself [etc.].

1316

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [3]

[EXTRACT]

No. 28 GRANADA, *November 8, 1855.*

SIR: Your despatch No 12 has been received.[4]

I enclose (marked A.) a copy of the original resolutions adopted by the

[1] Despatches, Nicaragua, vol. 2, apparently enclosed with Wheeler to the Secretary of State, No. 32, below, this part, doc. 1322.

in company with the late Minister of War, Don Juan Ruiz, I bore these resolutions to the camp of Genl. Corral.

In my despatch N° 26[2] marked A. B. is a copy of my correspondence with Corral[3] to which you will be pleased to refer. For this violent outrage to my Flag, and the Laws of Nations, I shall expect that my Government will demand such reparation as its dignity demands.

The Provisional Government has been formed; and in full exercise of its powers; Don Patricio Rivas, as Prest.—Genl Wm Walker, as Commander in Chief—Genl Máxº Jerez, as Minister of For. Affairs—Genl P. Corral as Minister of War—Colº P. H. French—Hacienda—Don Fermin Ferrer, Public Credit, and I have been officially notified of these appointments. Affairs of the utmost moment demanding the attention of a Minister, in accordance with the example of Mr. King with the Provisional Government of France in 1850, and the instructions from your Department, that "the principle has always been acknowledged by the United States that every Nation possesses

[1] The text of these resolutions follows:

[TRANSLATION]

In the City of Granada, on the 14th day of the month of October, 1855, the undersigned, being assembled in the Court-house, and taking into consideration the critical position in which this city finds itself, invaded by the forces of the provisional Supreme Government which are in possession of the same, have agreed and resolved what follows—

Art. 1st Having succeeded in obtaining from the Commander in Chief of the democratic forces which occupy this place, propositions of peace on conditions that read literally thus,—1st William Walker shall be appointed provisional Director of the Republic for the term of one month. Immediately after his installation, all the people of the State shall be convened, in order that they may elect the Director who is to take possession, at the expiration of the term for which the Provisional Director has been appointed. 2d All rights of person and of property, of both parties, shall be guarantied, and a veil shall be thrown upon all political offences. 3d The army of the Provisional Government shall be organized under the direction of the provisional Director.— — — And the undersigned, being convinced that, under circumstances so embarrassing, this is a means of obtaining peace and the consequent guaranties of person and of property, have thought proper to appoint the Minister of the Government of the United States, Dn Jacinto Chamorro, Dn Juan Ruiz, Dn Francº Pecoriní, and Dn Santiago Solorsano [Solórzano?], as Commissioners near the chief of the belligerant forces, which are under his orders, in order that they may make propositions of peace, on the bases above mentioned, each of them using all his influence, in order to obtain so precious a boon; to which effect, they shall carry with them an authenticated copy of the present act.

Art. 2d The inhabitants of this city are very well satisfied with the conduct of the actual Prefect, Dn Fermin Ferrer, in consequence of his discharging the duties of said office, according to the wishes of the aforesaid inhabitants and his maintaining order, at all risk.—With which this session was brought to a close, the same being presided over by the Prefect, whose signature follows, together with that of the municipal officers, and other concurring inhabitants. F. Ferrer=R. Vivas=Sebastian Marenco=Francº Calonge=Lorenso [Lorenzo?] Guerrero=M. Benard=T. B. E. Thomas [Tomás]=Hilario Selva=Juan Gribarrez=P. Quadra=Bernabi Montiel=Sebastian Escobar=T. Arguello Arca=Pedro Lugo=José Mª Reyes Alvarado=Santiago Solorsano [Solórzano?]=D. Chamorro=P. Lacayo. Agustin Vigil.

True Copy=Municipal Department. Granada, Oct 25, 1855.

Fco GARCIA LALONGE

the right to govern itself according to its own will, to change its Institutions at descretion and to transact its business through whatever Agents it may think proper" (see Wheaton's Elements of International Law 276) I shall feel authorized to present myself to the President of the Provisional Govt; beleiving that this course will meet your entire approbation.

I regret to inform you that Gen[l] Corral, the late Commanding Gen[l] of the Legitimate Army, and the Secretary of War under the present Govt. was arrested day before yesterday for Treason. He was tried by a Court of his own choice; His letters exciting his late Officers to attack *this city and developing plans for* this city and developing plans for its capture were acknowledged by him. The sentence of the Court was that he should be shot, and on this day at 2 o'clock P.M. in the public plaza, the sentence was carried into execution.[1] . . .

Very respectfully.

1317

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [2]

No. 29 GRANADA, *November 12, 1855.*

SIR: . . . As I advised you in my last (No. 28) I[3] was formally rec[d] on Saturday last as Minister of U. S. by Don Patricio Rivas President of this Republic. Enclosed are copies of my address and his reply,[4] also the last number of the "El Nicaraguense" a weekly paper published here which must interest you.

Don Buenaventura Silva, has been appointed Minister of War, vice Gen[l] Corral *shot.* Senor Silva had been Minister of War under the Provisional Democratic Govt. at Leon.

In my opinion the present Government of Nicaragua will be permanent, and I trust that the influences that may guide her councils may be so tempered by Law and Justice, that the change of Rulers will not be regretted, either by their own Sons, or the civilized world. San Salvador and Honduras have congratulated this Govt. on its success, Costa Rica must fall in; Guatemala the determined foe of Nicaragua will seek and find ready cause of quarrel and will attack her—in which aided by San Salvador and Honduras and the adventurous spirits from the U. S. and elsewhere, Guatemala will be badly whipped. Then will come a confederated Union of the Five Republics, and with it I trust Peace, Science, and civilization.

[1] The remainder of this despatch discusses accounts and other matters not within the scope of this publication.

[2] Despatches, Nicaragua, vol. 3. Received November 29.

S. Swartout, Lt. Com^d is at San Juan del Sur, and that the Frigate *Independence* is expected soon. If there ever was a time and place that American citizens or property required the protection of our Naval force it is now and here. I hope that soon a Ship of War will be at San Juan del Norte. In which event, as I learn from good authority that the present Government of Nic^a will assert its rights to the town and port of San Juan del Norte by taking possession and hauling down the Mosquito Flag and raising their own, it may be proper to give instructions to the Commander of any U. S. Ship that may visit that Port. Since it is said and believed that this occupation by Nicaragua will be opposed by the English Naval force, which is always present in that Harbour.

Col^o Kinny sent a deputation (Fabens and Swift) to this city by the last Steamer—I understand from good authority that Mr. Swift stated for Col^o Kinny "that if the Government of Nicaragua would recognize his grants from Shepard, that he would recognize the present Government of Nic^a," and that Genl Walker replied "that Kinny should be distinctly informed, that if he was caught in Nic^a (and he considered San Juan del Norte as a part of her territory) that he would treat him as a Traitor and hang him in five minutes."

I have the honor [etc.].

1318

Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

NEW YORK, *November 30, 1855.*

The undersigned, Minister Plenipotentiary of the Republics of Guatemala and Salvador, has the honor to address himself to the most excellent Minister of foreign relations of the United States, for the purpose of stating to H.E. that the events which have lately taken place in Nicaragua, where a party of adventurers from these States have caused the overthrow of the legitimate government of that republic, committing unheard of atrocities against the defenders of their own nationality, and their inalienable rights will place the Republics of Guatemala and Salvador, as well as the other Central American Republics, and those contiguous thereto, under the necessity of opposing, with all their forces and means, the existence of the usurped authority, which those adventurers have acquired over Nicaragua, taking advantage of the weakness and confusion which a civil war had entailed upon that country.

The right which some men, not a few of them citizens of the United States, have assumed, to meddle with the domestic questions of Spanish America,

there, for the purpose of overthrowing the established governments, is an absurd and impolite right, which no enlightened nation can acknowledge, and which all nations, whether civilized or otherwise, must resist at every hazard; because it is better to cease to exist, than to be at the mercy of such interlopers.

It is well known that the government of the Union has disapproved the conduct of Colonel Walker and of the other invaders of Nicaragua; but this disapproval has not prevented the overthrow of the legitimate government of that republic with the assistance of these foreigners; it has not prevented these same foreigners from barbarously murdering the loyal defenders of the established government; it has not prevented the North American Steam Company, styled *accessory of the transit*, from facilitating the invasion of those adventurers: it has had no effect in inducing the authorities of California to prevent, as they ought to have done, the departure of the invading expedition, and finally, it has not prevented the Representative of the United States at Nicaragua, from giving his sanction to the scandal, in recognizing, as legitimate the government created by those intrusive regulators of the nation.

The undersigned hopes that, in view of the good friendship which subsists between the United States and the Republics of Central America, this Government will be pleased solemnly to declare its disapproval of the conduct of the authorities of California in tolerating the setting on foot of the aforesaid expedition, of the assistance given to this expedition by the Nicaragua Steam-Company and of the recognition, by the Representative of the United States, of the authority usurped by those adventurers, without national character; giving at the same time more stringent orders with a view of preventing the disturbers of the legitimate government of Nicaragua from being reinforced by new gangs of filibusters.

The aforesaid Republics cannot lay down their arms until they have driven from Nicaragua the intrusive rulers of the country, and the consequences of this war will be the more serious in proportion of the amount of resistence offered by these.

The undersigned expects a reply to this note, in order that he may communicate the same to the governments he represents, renewing [etc.].

SIR: The presence of Col. Walker and his party in Nicaragua has excited much hostile feeling in this portion of Central America against foreigners, particularly citizens of the United States. In Guatemala, especially, our citizens have never been looked upon with much favor, and at the present time this ill-feeling may be regarded as somewhat menacing. An outbreak or revolution may occur at any moment, and malicious persons may find it very easy to direct popular fury against the few foreigners now in the country. Under these circumstances, I cannot too earnestly urge upon you the necessity of having one or two of our smaller vessels of war stationed on the Pacific coast of the Central American states, *with special instructions* to touch frequently at the ports of San Jose or Istapa (Guatemala) and Acajutla and La Union (San Salvador), and to communicate with this Legation.

I suppose it is an undeniable fact that an American vessel of war has not been seen in any of the above-mentioned ports, during the last twenty years; while, until recently, English, and even French, vessels of war have been frequent visitors to them. You may smile at the statement, but it is hardly an exaggeration to say that these people doubt the existence of such a thing as an American ship of war. Perhaps this is one reason why the records of this Legation bear witness to outrages committed upon our citizens more than twenty years ago which have never been redressed; and cannot now be, as those instrumental in perpetrating them are lost from sight.

Similar requests to the one I now make have been made by some of my predecessors; but without success. I trust, however, that you will not permit this one to pass without consideration; for you cannot but be aware of the present threatening state of the country, and the evil consequences which may grow out of it. At this time, the govt. of Guatemala is strongly persuaded that the Americans in Nicaragua design invading this State. Such is the tenor of its present advices through reliable sources; and the consequent feeling is one of alarm and exasperation. Should the result verify this expectation, the few Americans now in the State would have but slight security against the injustice and oppression of those in power. The close proximity of a force able to redress promptly any grievance can alone afford them proper security.

Earnestly requesting your early attention to this matter, I am, with great respect [etc.].

[1] Despatches, Guatemala, vol. 3. Received January 24.

Luis Molina, Costa Rican Chargé d'Affaires at Washington, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *December 6, 1855.*

The undersigned, Chargé d'Affaires of the Republic of Costa Rica, finds himself under the necessity of calling the attention of the Hon. Secretary of State of the United States, to the events that are taking place in Nicaragua.

Costa Rica, as a descendant of the same stock, the heir of the same religion, language, laws and customs, cannot remain passive to the aforesaid events, which threaten to destroy, by violent means and for ever, these bonds of fraternity between the two countries, the independence of Nicaragua, already undermined, and sucessively that of Costa Rica, and the other Central American States.

Force, aided by fraud and treason, has temporarily triumphed over every principle of justice and legality, giving untimely birth to the semblance of a Government, which did not hesitate in crouching before an unlawful assembly of adventurers, wading in the blood shed by the most horrible murders.

The Government of Costa Rica hopes that this situation will not prove a subject of indifference to the Government of the United States, seeing that it is the result of a great crime, complex and multiform, which was hatched and set on foot within the territory of the United States, and continued without interruption in a foreign land, by North American citizens, with means and assistance and, to a certain extent, with the moral force of the nation, against the existence of peaceable and friendly States.

The nationality of the adventurers is not a matter of doubt; they themselves avow the fact and the whole world considers them as citizens of this Republic; and although they may have forfeited the right to be protected by this Government, their national character cannot be so easily lost; it consists in traits deeply drawn, cherishing the ties which bind them to this nation; and, in the opinion of the undersigned, their allegiance still continues, not being able to conceive how they can be exonerated from such allegiance in consequence of a crime. If they are disowned by the government to-day, they hope, not without cause, to be received with open arms to-morrow, arrayed in holiday attire for annexation, and to be exalted, their booty being legitimatized.

The undersigned does not think it necessary to engross the precious time of the Hon. Mr. Marcy with a narrative of facts that are notorious, nor to enquire whether the outrages to which he alludes, have originated in the

but also with respect to the great Republic in whose bosom the demoralizing principle of filibusterism is fermenting and developing itself, in contempt of the authorities, the laws, the international relations and pledges, and of the principles of eternal justice which all civilized nations observe.

The Government of the undersigned would deem it a grievous insult offered to the Hon. Secretary of State, if it did not expect from his sense of justice that he will denounce these occurences in the most severe terms, and that he will be the last to sanction, by his recognition, their actual and ephemeral results; and that, by devising legal means of suppressing, proportionate to the immensity of the evil, he will adopt effective measures, in order to prevent the evil from extending further, to the injury of Costa Rica, and of the other Republics of Central America, and in order that the people of Nicaragua may recover the liberty of governing themselves.

In making this urgent request, in the name of justice, and the relations of friendship which exist between the Republics of Costa Rica and the United States, the undersigned cannot avoid mentioning how very much surprised he has been to learn, through the newspapers, of the participation in the events that have taken place in Nicaragua, by the Minister Resident of this Republic at Granada, who went so far as to recognize, with no less haste than ceremony and complacency the farce of a government of filibusters. The undersigned is well aware that this act could not have taken place in virtue of special instructions; but the silence of the Government of the Union leaves it to be inferred by the public, and might induce thoughtless and ill disposed persons to believe that the filibusters were acting under the approbation of this government. This belief will have the effect to increase the number of adventurers who threaten to lay all Central America in blood.

The undersigned requests the Hon. Secretary of State to be pleased to induce the enlightened Government of the United States, as speedily as possible, to take solemn and public notice, by a note announcing its disapproval of the filibustering enterprise which originated in Nicaragua, its bloody deeds and lawless ephemeral results,—and that it will condemn the conduct of its Minister, adopting effective measures in order to prevent North America filibusters from making that State a point of reunion where they may assemble.

The undersigned tenders to the Hon. Secretary of State [etc.].

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *December 8, 1855.*

The undersigned has received the copy, which, at his own request, the Hon. Secretary of State of the United States did him the honor of transmitting to him on the 1st inst, of the letter which Don Maximo Jerez, called Secretary of State of the pretended government of the Republic of Nicaragua, addressed to Colonel Wheeler on the 13th of November last,[2] informing him that, in consequence of the new political system inaugurated at Nicaragua, the undersigned had ceased to perform his diplomatic functions in the United States, the powers which had previously been conferred upon him, not having been ratified anew.

The undersigned, while he hastens to express his gratitude for the kind condescension of the Hon. Secretary of State, cannot avoid stating here, that, being the true and only representative of the legitimate government of the Republic of Nicaragua, recognized as such, even at this day, by the diplomatic agents of Guatemala, Costa Rica and St. Salvador, he cannot, nor must not, in any way whatever, submit to and much less recognize the spurious authority whence said document emanates, because it does not proceed from the national and legitimate government, nor from a government *de facto*, resulting from the triumph of either of the political parties which, under various forms and aspects, are struggling for power everywhere and among all nations; but from a pretended, intrusive and usurping administration, brought into existence by fraud and treason, created and subjected to the pressure and influence of the bayonets of a savage horde of pirates; imbued and stained with the noble and innocent blood of illustrious Nicaraguan patriots, inhumanly, cruelly, cowardly, and shamefully assassinated and immolated on the altars of the country.

The undersigned will abstain from entering into any digression, relative to the means employed by the internal conspirators and foreign pirates, all of the same nationality and proceeding from the same place, all American citizens, who have placed the Republic on the borders of a precipice; the Hon. Secretary of State is perfectly well informed of all the facts and circumstances connected with this temporary catastrophe, and does not require other details, than those which are to be found on file, in the archives of the Department of State.

There is, however, one fact of the greatest gravity and importance, in the opinion of the undersigned, such as the premature and hasty recognition, by

ever obvious and notorious it may be, that it was a spontaneous and voluntary act which could not have been prompted by instructions or orders emanating from the Department of State of the Union, nevertheless, the undersigned cannot do otherwise than to request the Hon. Secretary of State of the United States, to be pleased to inform him, whether his government approves and confirms the recognition made by Colonel Wheeler and, consequently, the authority from whence the letter of the 13th of November last, signed by the so-called Secretary of State, Maximo Jerez, emanates, and the consequences which, in the opinion of the Secretary of State of the United States, said letter introduces in the diplomatic relations with the government of the Union, and in the public and official character of the Envoy Extraordinary and Minister Plenipotentiary of the legitimate government, always existing in principle, of the Republic of Nicaragua.

The undersigned avails himself of this opportunity [etc.].

1322

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

No. 32 GRANADA, *December 15, 1855.*

SIR: I received by the last Steamer your Despatch No. 13, dated the 8th ultº.[2] Its delay in reaching me was caused by its being enclosed to the U. S. Commercial Agent at San Juan del Norte, by which, without any fault of his, it was delayed two weeks, in reaching me.

From its importance, it received my careful attention. When my subsequent despatches nos 27, 28 and 29 [3] have been received and examined, I feel well assured that such a condition of things will be evident as existing here, that no other course could be taken, than that which was persued by me. Both of the belligerent Parties had by the Treaty of Peace of 23d Octr [4] (a copy of which you will find in my Despatch No. 27) united in forming a Government—the members of which were composed of the Chief Officers of both of the Parties (the Democratic and Legitimate) that distracted this Republic. The President (Don Patricio Rivas) of the Legitimate Party, and the Minister of Foreign Affairs (Genl. Jerez) of the Democratic Party, and thus by uniting both Parties, permanent Peace was expected.

[1] Despatches, Nicaragua, vol. 2. Received January 15.
The two omitted portions in this despatch are not pertinent to this publication.
[2] Above, this volume, pt. 1, doc. 1058.
[3] Above, this part, dated respectively, October 30, November 8, and November 10, 1855.

I was officially informed of this organization of the Govt. under Rivas, by the note of the Minister of War (Genl. Corral) of 2d Nov'r.[1] which I herein enclose—marked A.

You, as well as the President, are aware that I had no personal or political sympathies with Genl. Walker—that he had no favourable feelings towards my official conduct here, is very evident, from a letter which he addressed to you; which was published by him in the New York Herald—dated San Juan del Sur, 11th September—But personal or political feelings should not influence matters of national importance.

I, however, declined all official communication with the Provisional Government here, and placed my refusal on the ground, as stated in my note to Senr. Jerez, a copy of which is enclosed marked B.[2]

The ground of this refusal being removed, as by order of the President, the obnoxious officials were removed, the President expressed the hope that no cause further existed to embarrass the diplomatic intercourse of the two Republics. . . .

I feel assured, therefore that the President and you, on a full knowledge of the facts and history of the case, will justify and approve of my course.

The condition, which you state constitutes a *de facto* Government has occured; as such it was recognized by me—as such it is in the full, peaceful and prosperous exercise of all the functions of Government. . . .

I shall strictly obey all instructions from the President or your Department, as I have always done—But I cannot but regret that in addition to the perils I have encountered and indignity to my flag, you should have to inform me in relation to my detention at Rivas, "though the President has no doubt that I acted from the purest motives, intending only to subserve the cause of humanity, but that my course was aside from that which my duty as the representative of a Foreign Government imposed upon me". I receive this rebuke with proper respect.

If my "course was aside from duty" it had liked to have proved of most serious personal consequences. If "Greivous was the fault, Greivous has the expiation been"; for imprisonment was the consequence and my life had nearly paid the forfeit of an intention "only to subserve the cause of humanity." My letter to Genl. Corral[3] (copy of which is enclosed marked D) will show the motives which influenced me.

Had I met him at Rivas, I would not have been imprisoned—nor would the murder of Mrs. Smith and child at San Carlos,—or the massacre of unarmed passengers at Virgin Bay, ever occured.

To save the lives of the innocent—the plunder of the unarmed—to secure

[1] Not included in this publication. See above, this part, Wheeler's note of the same date, November 2, 1855, reciting its purport, doc. 1315.

course to step aside for a moment from the strict line of duty. I encountered willingly the personal risk for such high promptings. Had I succeeded I should have received the heartfelt thanks of every man woman and child of Nic[a]; and secured that blessing which is promised to the children of God—

I trust and beleive that the President will take such a course as will be dictated by a regard to my rights, and feel sure that with his generous sympathies, had he been in my position that he would have gone further than I did in the cause of humanity.

I enclose you the last newspapers which will give you all the local news of importance here and add on another sheet matters confidential and important.[1]

Very respectfully.

[CONFIDENTIAL]

I would inform you from expressions I have heard in high quarters, that in consequence of the letter of Jos. L. White Esq., to the Editor of the Evening Star at Washington, of 9th Nov[r] last and the act of sending out a body of armed men from New York last summer to operate with the Legitimate Party the Government here will early institute an inquiry by what warrant the Transit Company holds their Charter—and that this enquiry may result in it being declared forfeited so far as the transit over this Isthmus is concerned.

(Another) Officers from H. B. M. Ships of War the Arab and Espeigle now lying at San Juan del Norte, have visited this city. I am satisfied that if the U. S. should give a cold shoulder to the present authorities of Nicaragua, or a cold reception to Col[o] French, overtures will be made to England, which will be met half way.

I have the honor [etc.].

1323

Parker H. French, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States[2]

WASHINGTON, *December 19, 1855.*

SIR: I have in my possession credentials from the Supreme Government of Nicaragua appointing me as the Minister of that Republic near the Government at Washington, and accompanying this you will please find an autograph letter from the President of Nicaragua to the President of the United States of America.[3] The object of this note is to request an interview with

[1] The confidential paragraphs follow the close of this despatch.

[2] Notes from Central America, vol. 2. Received December 21.

[3] This enclosure is a formal credential letter, dated November 23, 1855, signed by Patricio Rivas as Provisional President of Nicaragua, countersigned by Máximo Jerez as Minister of Foreign Affairs, accrediting Parker H. French, Minister Plenipotentiary

in Granting that, an early hour, I have no hesitation in saying that you are advancing the best interests of our respective Countries.

I am, Sir, [etc.].

1324

Luis Molina, Costa Rican Chargé d'Affaires at Washington, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *December 20, 1855.*

The undersigned, Chargé d'Affaires of the Republic of Costa-Rica, had the honor to peruse the esteemed note of the Hon. W. L. Marcy, Secretary of State of the United States, dated the 10th inst,[2] relative to the position of Nicaragua; and he deems it his duty to make some explanations in reply.

In his note of the 6th inst, the undersigned made no statement, but allusions; and the word treason, used by him, is only applicable to the faction which invited the filibusters, and to those who facilitated their success. He expressed no opinion, nor does he think that this circumstance is any thing to his purpose, or that it can affect the question. The infractors of neutrality laws are always invited, and even seduced, by the enemies of the country against which they go to operate.

This, as the Hon. Mr. Marcy knows, does not lessen the crime, nor does the fact that those who tender the invitation, not only bear the character of enemies, but that most hateful one of traitors to their native country, produce such a result.

It is never great national parties, but factions, rebellious, blind and impotent minorities, that have furnished history with examples of high treason, nor are the former under the necessity of turning a suicidal hand upon themselves, by calling in the intervention of foreign forces in domestic questions. The Government of the United States acknowledged this truth when it treated with the legitimate government which has disapeared; and the results prove it. Who exercise mere domininion, taking away the life of Nicaraguans at their own will? Who dispose of the revenues of the State and the property of its inhabitants, as their own fancy may dictate? Who, in short, instituted, arranged and rule, through terror, this semblance of a government? The adventurers, the dregs of European refuse Americanized.

The undersigned cannot, he must own it, contemplate without a blush and profound indignation, the stigma which has been inflicted upon Nicaragua. But he could not avoid showing that the traitors constitute an insignificant minority of that nation.

Among the Central American States there exsist bonds of fraternity which political exigencies have not been able to rend asunder, and these ties unite them into an indivisible whole, with regard to their permanent welfare, their prosperity and their existence. Under this aspect, even the whole people of a minority of the States into which the country is unfortunately divided, lack the right of surrendering their independence, because it would compromise that of their brethren.

The undersigned has read with satisfaction, that the recognition made by the minister of the United States in Nicaragua, was contrary to the instructions of the Secretary of State. He has since read, with equal satisfaction, the proclamation of the Most Excellent President, dated the 8th of this month. All that he has to do now, is to wait to see that this proclamation, and that declaration, have the desired effect, and produce the consequences that are naturally to be expected from them. With this hope, the undersigned will, with pleasure, communicate the aforesaid documents to his government, as they are calculated to strengthen the friendship and to heighten the esteem, which the government of Costa-Rica entertains for that of the United States.

While the social cancer, called filibusterism, is seen, by incontrovertible evidence, taking deep roots, ramifying, developing itself and increasing in the United States, in the face of their laws and their authorities, the undersigned cannot do otherwise than to consider the question he had the honor to touch upon, because it interests Costa-Rica, as worthy of the attention of the government and the study of statesmen, anxious for the good name and tranquillity of this Republic.

The undersigned acknowledges that all laws may sometimes be evaded by sagacious delinquents, who avail themselves of circumstances which cannot be imputed to any defect in said laws, nor to any dereliction on the part of the authorities charged with the administration of the same. But the facility which the steamers of the Nicaragua Transit Company afford for infringing the law, is voluntary and culpable. Not one of Kinney's adventurers, nor Walker and his followers obtained passage in said steamers, because, then, the company judiciously thought that its interests were linked with those of the legitimate government. Subsequently, being called to account, said company saw that it could not impose conditions on the government, and being compelled to enter upon a law suit which it dreaded, its loyalty was converted into treason; it furnished twenty thousand dollars and the lake steamers, for the purpose of taking Granada by surprise; and it began to convey filibusters from San Francisco. French, Fry and Kewin thus brought armed adventurers and ammunitions of war.

Kewin has returned to California to recruit more adventurers.

This confidence is very natural on their part, seeing that, besides the recognition by the minister of the United States in Nicaragua, the commander and three officers of the ship of war "Massachusetts" (if the undersigned has not been misinformed) remained three days in Granada fraternizing with the filibusters.

The undersigned has designated the culprits, and he trusts that they will be called to account, according to the laws which they have violated and which they are ready to continue to violate. He trusts likewise that the most stringent preventive measures will be enforced, and that the company will be compelled to give guaranties for the future.

The Hon. Mr. Marcy, who has so very properly expressed the duty, the wish, the determination and the interest, which the United States have, for respecting the independence of the Central American nations, will be pleased to acknowledge that the undersigned asks nothing more than prompt and full justice.

The undersigned takes pleasure in renewing [etc.]

1325

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

No. 35 GRANADA, *December 24, 1855.*

SIR: Your despatch No. 16 [2] has been received.

I enclose as desired by you, a duplicate of No. 28,[3] which you advise me, has not reached the Department.

My despatch No. 32 dated 15th instt[4] gives at large a full history of the circumstances of the country, and the course that I deemed it my duty to pursue—and I trust that my Government will on reading these Despatches be satisfied with my course, as the only one that could be pursued. Since the reception of your Despatch No. 13 of the 8th. ultto[5] I have abstained from all official intercourse with the persons now exercising controul over this Republic, and will not establish diplomatic intercourse until instructed, and

[1] Despatches, Nicaragua, vol. 2. Received January 22.
[2] Above, this volume, pt. 1, December 7, 1855, doc. 1060.
[3] Above, this part, November 8, 1855, doc. 1316.
[4] Above, this part, doc. 1322.
[5] Above, this volume, pt. 1, doc. 1058.

Department of Colonization.

Also the last number of the "El Nicaraguense" of 22d inst.

The last Steamer from California brought many persons to this place—Some to engage in business; some in the Mines; and One Hundred and ten men exclusive of Officers, for the Army.

San Salvador as also the Republic of Honduras have congratulated Senr Rivas on his accession to the Presidency—and Genl Cabañas, the President of Honduras has been spending several days in this place. This is commentary upon the acts of the Ministers from those countries, in protesting against my act in recognizing the present authorities of Nicaragua—as the public journals have advised me they have done.

Although matters intimately affecting my Government, and its citizens resident and passing through Nicaragua require the constant exercise of the functions of the Minister, yet I shall faithfully regard your instructions, and hope soon to be advised that you approve of all my acts.

I am [etc.].

1326

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [2]

No. 36 GRANADA, *December 24, 1855.*

SIR: In conformity to my Personal Instructions "to transmit to my own Govt. accurate information of the policy and views of other Govts" I herein enclose a note of a conversation[3] recently had with General José Trinadad Cabañas who has been recently on a visit to this City. Genl. Cabañas is the President of Honduras, but by a recent revolution of the Servile Party, has been forced to leave Honduras.

He is well spoken of in history by Crowe, Stevens and Squire, and much respected for his vertues and liberal principles.

Faithfully yours.

[INTERVIEW]

On Saturday 15 Dec. 1855, I called to return the visit of Genl José Trinadad Cabañas, the President of Honduras, now on a visit by invitation and the guest of this Government.

[1] Not included in this publication; and neither is either of the following two enclosures mentioned. [2] Despatches, Nicaragua, vol. 2. Received January 22.

[3] It follows immediately after the close of this despatch.

He appears to be about 50 years old, and is esteemed as one of the most liberal and honorable men in Central America. He was the devoted friend of Genl Francisco Morazan.

He said, as I was about taking leave, that he would be happy to have some confidential conversation with the Minister of the United States, touching Central America, and asked me if my Government approved of citizens of the U. S. coming to Central America; and if these persons attempted to distroy the nationality of Central America, would the Government of the U. S. prevent it.

I replied, that the Govt. of U.S. could not, nor would not approve of any attempt by any foreigners, or our own citizens to attempt to distroy the nationality of Central America—that our fixed policy from the days of Washington, was non interference with domestic difficulties of any Nation—and to avoid all entangling alliances. That our Neutrality Laws were strict, and that General Pierce would faithfully execute them.

That an expedition of Col^o Kinny, with professed peaceful objects to Central America, had been stopped—that he was, now, indicted in the U.S. Courts;—that recently officials of the British Govt. had been indicted, and punished in the U. S., for enlisting men to serve in the Crimea. But that these proceedings were confined to acts done in the U. S.—that when our citizens were out of our territory, and embarked in a foreign service—as they had the right so to do, they voluntarily transferred their allegiance from their native country, and placed themselves under the jurisdiction of another Government. That they were not responsible to the U. S. nor the U. States responsible for them—nor would our Minister protect or comfort them—they were only responsible to the Authorities and Laws of the land where they had sought their new residence. So that as our laws now stood, as far as Genl Walker and his associates were concerned, that the U. S. could exercise no controul over them—no more than over any other citizens of Nicaragua; which they had become under their naturalization Laws.

He then asked me if Guatemala, joined by other Govts made war on Walker to drive him from the country, would the Govt. of U. S. use any efforts to protect him.

I replied certainly not, for the reasons before stated.

He then stated that he was dissatisfied with the condition of things now in Nicaragua. The belief was current that all the officers and emoluments of office would be absorbed by North Americans.

To this I replied that it seemed to be no real ground for this opinion. The President of the Republic was a native of Nic^a so of all his Cabinet—All the Governors and Prefects of the different departments were also natives

Costa Rica had origin with him.

I replied that the character of Don Patricio personally & politically has been that of an honest man—that he was too old to engage in intrigues, and the fate of Corral was a warning.

In return I asked him candidly to say to me what in his opinion was to be the result of the matters here? He replied that if Genl Walker did not receive soon strong reinforcements that Guatemala led on by Carrera and Honduras led on by Guardiola both, he said, unscrupulous and unprincipled—desperate and bloody for he knew them both very well, and had fought them on many bloody fields, would make war on Walker and drive him from the country or kill him— To this I replied that if they did they would [be?] badly whipped. That every Steamer brought more persons to Nicaragua, some to work the Lands, some to Merchandise, some to the Mines—but most to the Army. In this the Government of U. S. had no hand—but the spirit of interprize and adventure points so prominent in American character.

That the Govt. of the U. S. had no desire to possess Central America; that if it did, and the States desired it, it could not be well accomplished as the Clayton-Bulwer Treaty read.

Genl. Cabañas then expressed great admiration for the Munro doctrine, and hope that the United States would pursue and drive England out of Central America—that the course of England towards his Republic had been oppressive arrogant and insulting.— The Island of Ruatan had been forcibly taken, which commanded their Coast; and was constantly extending their power and possessions in Central America. On a recent occasion, he stated that some citizens of Honduras went to Ruatan to recover some property and they were insultingly driven off by the British Officials.

The recent visit to this city by the Officers of the English ships of War the *Arab* and *Espeigle* was alluded to, and I replied that the United States Govt. were fully aware of the course of the English Govt. and that from self respect would either abrogate or make England adhere to the express terms of the Treaty of 1850.

He expressed much satisfaction at these veiws—and hoped that I would allow another before he left.

A few days after (Fridy 19th)[1] he called at the Legation in the evening but company being present, he stated that he came to take leave of me as he would leave Granada for Leon in the morning.

This is a faithful account of the interview.

[1] This date is evidently incorrect if the date "Saturday 15 Dec.," above, is correct. This should either have been Wednesday the 19th or Friday the 21st.

1327

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

No. 39 GRANADA, *January 15, 1856.*

SIR: Mr. Thomas Manning, Her Brittanic's Majesty's Vice Consul for the Republic of Nicaragua is at present in this city.

He resides in Leon, and has resided thirty years in this Republic, and has recently travelled through its whole length and breadth, and is supposed to know well, the opinions of the inhabitants of Nicaragua—and he assures me. that the present condition of political affairs in this Republic meets their hearty approval and acquiescence.

I have the honor [etc.].

1328

Parker H. French, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [2]

WASHINGTON, *January 18, 1856.*

I had the honor to address Your Excellency a note under date of the nineteenth of last month,[3] the sole object before laying my credentials before your Government. To my astonishment you placed a different interpretation on the note from my intents. Your Excellency's reply under date of the 21st of the same month[4] informed me of this fact. Your Excellency's reply also establishes a new and startling precedent, that is, that you cannot hereafter receive *any* diplomatic agent, unless the government he represents is represented by the untrammeled expression of democratic will. It seems to me that the following extract from your letter is conclusive of the new rule for recognition, as just alluded to. You say—"Those who were chiefly instrumental in suspending or overthrowing the former government of that State (Nicaragua) were not citizens belonging to it, nor have those citizens, or any considerable part of them, so far as is known here, freely expressed their approval of, or acquiescence in the present condition of political affairs in Nicaragua. Until such shall be the case, the President does not deem it proper to receive you, or any one, as a minister to this government, duly appointed by the Supreme Government of Nicaragua." Thus Your Excellency will perceive that under the same ruling, the minister of England, France, or Russia, should not be recognized by your government, because you have no assurance that any part of the people of those countries have

interfere with the internal affairs of other nations.

Regretting that you should have misconstrued my last communication, and that you authorized the late arrest of my person in New York, and thereby the indignity shown against the government I have the honor to represent,—therefore, I respectfully request that you will not consider my credentials as before your government for the present.

I am, Sir, your obedient Servant.

1329

Fermin Ferrer, Minister of Foreign Affairs of Nicaragua, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

[TRANSLATION]

D GRANADA, *January 22, 1856.*

SIR: As my Government is quite convinced that the present Washington cabinet, against the popular will of your nation, refuses its recognition, I wish to notify you that on this date the powers conferred on Mr. P. H. French, present Minister of Nicaragua to the United States, have been revoked, and that he is ordered to come to this city. I likewise advise you in the name of my Government that on account of the conduct referred to of the Government which you represent, all communication with you in the capacity of Minister Resident of the United States in Nicaragua, is henceforth suspended, beginning to-day.

I have the honor [etc.].

1330

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [2]

[EXTRACT]

No. 40 GRANADA, *January 25, 1855 [1856].*

SIR: . . . The political condition of Nicaragua is the same as when I last wrote. Peace within her borders and friendship with the neighbouring states. The statements circulated by designing men, as to the hostility of

[1] Despatches, Nicaragua, vol. 2, enclosed with Wheeler to the Secretary of State, No. 40, below, this part, doc. 1330.

[2] Despatches, Nicaragua, vol. 2. Received February 14. In the date line of the file copy, the year is clearly 1855, but it evidently should have been 1856. His No. 39, is above, this

So far from this, in Guatemala, the most puissant of the states of Central America, and hostile to free Governments: recently a proposition was made to raise forces, and attack the party in power in Nicaragua; aided as it is by foreigners. It was sternly opposed by the Government Ministry and only received two votes.

I enclose the newspapers.

In a late despatch,[1] I informed you Genl Jerez, the Minister of Foreign Affairs, had resigned his place in the Cabinet of Señor Rivas, on the sole ground that Walker's forces, were not allowed to attack Honduras, and reinstate Cabañas in power. This has done much to establish Genl Walker in the good opinion of the adjacent states, and render Confidence in the pacific intentions of Nicaragua.

Emigrants are flocking in from New Orleans, in every steamer, California and some, from New York. The effective force of the Army is, 481 American rifles, and 900 native troops, which at any moment can be swelled three times that number.

The last despatch, informed you, of the presence of the British vice Consul (Thomas Manning) here. In an Official note, he formally recognized the present Government of Nicaragua, so far as the only diplomatic representative of England, in Nicaragua, could do. Enclosed is a Copy of his Official note, cut out of the Official paper of this Government. (Marked B.)[2]

Enclosed is a decree of this Government (No. 150) declaring that all communication is suspended with your Minister Resident here; and placing this extraordinary act, on the ground, that the Government of the United States, has failed to recognize the Actual Administration of Nicaragua; and

[1] Not included in this publication; its important pertinent contents are here revealed.
[2] The text of Vice-Consul Manning's note follows:

Thomas Manning, British Vice-Consul at Realejo, to Máximo Jerez, Minister of Foreign Affairs of Nicaragua

REALEJO, *January 10, 1856.*

SIR: I take great pleasure in acknowledging the receipt of your official communication of the 3[d] of November ultimo, the duplicate of which only has reached me up to this time, enclosing, for the information of this Consulate, copy of a treaty, entered into between the leaders of the belligerent forces, Generals Ponciano Corral and William Walker, for the restoration of peace and the establishment of a provisional Government under the presidency of Don Patricio Rives.

As an eye-witness of all the horrors and the events, which have transpired, in this unfortunate country, since the commencement of the revolution in May 1854; no one can, better than I, appreciate the reestablishment of order and tranquillity. It is to be hoped that, through the enlightened members of the Cabinet, now in power, prosperity will be carried to the thresholds of the humblest inhabitant of the land. Be assured that the Government of Her Britannic Majesty will yield equal sympathies, so long as the affairs of the country shall be conducted in keeping with the usages, and in conformity with the laws of nations.

Meanwhile, I shall, by next mail, transmit to the chargé d'affaires of H. B. M., Carlos

This decree is accompanied by an Official note of the Minister of Foreign Relations. (Enclosed Marked D.)[2]

Official dignity and personal respect would have prompted me on the reception of that document to have demanded my passports— But I could not do this without violating the express instructions of the President "to abstain from all Official intercourse with this Government", as conveyed in your despatch No. 13 (dated 8 nov: 1855)[3] but "remain in this Country, and keep *my* Government well advised of the actual condition of affairs *herein*". The course of this Government brings this Legation to the exact *Status*, which the instructions of the President had placed it—it was accompanied by expressions of much personal regard to me, from the Minister.

How far the late visit, and presence of the English Consul might have influenced this course, I can only conjecture. I know, from himself, that he had frequent interviews with those holding power; and I also know from those high in power that liberal promises were made of the countenance and favour of Great Britain.

So far as my Official act in recognizing this Government is concerned, I feel gratified that the Government of Great Britain has followed me. . . .

I have the honor [etc.].

1331

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States[4]

[EXTRACTS]

No. 42 GRANADA, *February 26, 1856.*

SIR: The condition of this country is (as when I last wrote to you) tranquil. You will observe from the enclosed newspaper marked A a decree of this Republic of date 18th February inst.[5] revoking and annulling, for causes therein stated, the Charter of the Accessory Transit Company.

[1] Not included in this publication. [2] Above, this part, January 22, 1856, doc. 1329.
[3] Above, this volume, pt. 1, doc. 1058.
[4] Despatches, Nicaragua, vol. 2. Received March 15.
[5] The decree mentioned, follows:

Decree of Government against Accessory Transit Company

GRANADA, *February 18, 1856.*

WHEREAS, the Republic of Nicaragua, on the 22nd day of September 1849, granted to the American Atlantic and Pacific Ship Canal Company, certain rights and privileges, which said rights and privileges were subsequently modified, by decree of the 11th day of April 1850; and

WHEREAS, in consideration of said rights and privileges, said Company agreed to construct a Ship Canal across the territory of the Republic from the port of San Juan de Nicaragua, or any more feasible point on the Atlantic to the port of Realejo,

temporary control *over some parts* of Nicaragua," I shall endeavour to keep

the Engineers of the Company might decide upon; or in case that the construction, and completion of said Canal or any part of it, should become impossible, by any unforeseen want, or insurmountable obstacle of nature, to construct a railroad, or rail and carriage road and water communication between the two oceans: and

WHEREAS, the said American Atlantic and Pacific Ship Canal Company, have not constructed the said Canal nor commenced the same, but on the contrary have abandoned the undertaking, and declared it impracticable and have also failed to construct a railroad or rail and carriage road, as they agreed to do: and

WHEREAS, the said American Atlantic and Pacific Ship Canal Company was bound by the terms of said Charter to pay the Republic of Nicaragua, ten thousand dollars annually, and ten per cent on the nett profits of any route the Company might establish between the two oceans, during the term allotted for the completion of the Canal, and in furtherance thereof, and

WHEREAS, the said American Atlantic and Pacific Ship Canal Company have failed to pay annually said ten thousand dollars, together with the ten per cent nett profits, falsely and fraudulently alleging that no profits were made, and no commission due; and

WHEREAS, by the said Charter it was stipulated that for the purpose of settling all matters in dispute between the State and the Company, Commissioners should be appointed by the State on the one part and the Company on the other; and

WHEREAS, on the 12th. day of November, 1855, the Republic of Nicaragua, notified the said Company to appoint commissioners, under the Charter, and the said Company expressly refused the same; and

WHEREAS, by the decree of the 9th day of March 1850, the said Company was made a body politic and corporate, with perpetual succession, by the name & description of "The American Atlantic and Pacific Ship Canal Company"; and

WHEREAS, on the 14th. day of August 1851, the Republic of Nicaragua with the sole object of facilitating the maritime canal, and in accordance with the desires expressed by the company of said canal, to divide and seperate from the contract of the 22nd. September 1849, the part therein relating to the navigation by steam of the waters of Nicaragua, did constitute a new company, designated by the name of "Accessory Transit Company" and consisting of the same persons comprising the American Atlantic and Pacific Ship Canal Company, and subject to the same obligations. Now therefore, the Supreme Provisional Government of Nicaragua in virtue of its faculties,

DECREES:

1. The grant to the American Atlantic and Pacific Ship Canal Company of date 22nd. September 1849 and the modification thereof made 11th April 1850, and all the privileges therein contained are revoked and annulled. The acts of incorporation of date 9th. day of March 1850, and of the Accessory Transit Company of date 14th. day of August 1851, are annulled: and the said American Atlantic and Pacific Ship Canal Company and Accessory Transit Company, are dissolved and abolished except for the purposes hereinafter mentioned.

2. Sr. Don Cleto Mayorga, Sr. Don Edward J. C. Kewen and Sr. Don George F. Alden, (any two of whom may act) are hereby appointed a board of commissioners with full powers to examine, liquidate, and ascertain the amount due by the American Atlantic and Pacific Ship Canal Company, and Accessory Transit Company to the State, with full powers to send for persons and papers, and to enforce respect and obedience to all their orders and decrees.

3. The said board shall proceed at once to discharge their duties and for this purpose shall notify the agents of the companies, residing in Nicaragua, to appear before them forthwith, to give all evidence that may be required of them, and with the privilege to defend the interests of their principals.

4. The said companies shall be considered as still in existence, for the purpose of conducting this examination and for the purpose of being held collectively responsible for such sum as may be ascertained to be due to the State, but for no other.

5. For the purpose of securing the payment of such amount the said board find due, they are hereby commanded to cause all the property of said company to be seized forthwith, and held by responsible persons subject to the order of said board.

await your further instructions.

I have availed myself of the present condition of the relations between the two Governments, to visit Leon, and other portions of Nicaragua. I went as a private person, without any form or parade, in order to ascertain if possible the real condition of political affairs. I conversed freely with persons of all ranks; I find the substantial, peaceful, industrious and thrifty persons of the country, entirely satisfied with the present condition of affairs, assuring me, that, if the present foreign force was not in the Country, that civil war would again break out, and devastate the Whole Republic—and they rejoice that permanent peace is now established. The Constitutional Assembly, or Congress will soon assemble in this City, who will reestablish the Constitution, and sanction the recent proceedings of the Executive and military power of the country.

I am satisfied that negociations are now on foot between Nicaragua and England to settle the Mosquito question on the basis proposed by Messrs Crampton and Webster, but rejected at the time by Nicaragua.

I would suggest that instructions be given to open diplomatic intercourse with this Government; In which event a Minister will be promptly despatched from this Government, to the United States, and all unpleasant sensations removed.[1] . . .

Col. Wm. L. Kinney has been in this City and has been ordered to leave the Country. His grant from Shepard & Co has been declared null and void, and the rights of Nicaragua to the Mosquito Country re-asserted.

I have the honor [etc.].

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6. That the transit of passengers across the Isthmus may suffer no interruption, the board are authorised to deliver to such responsible persons as may make application, all of said property so seized, upon their executing a bond in a sum one fourth greater than its appraised value, and with the condition that the same shall be forthcoming when called for by the said board, and that the undertakers in the bond shall continue to transport the passengers who may arrive on the side of the Pacific and Atlantic oceans and the expenses of transporting said passengers shall be charged against the said companies.

7. Before allowing the said property to be bonded the board shall cause the same to be fairly appraised by three competent persons appointed for the purpose.

8. The board shall proceed summarily and with dispatch. And on determining the amount due from the companies to the State, shall report their proceedings immediately to the Government.

9. The corporation of the board of commissioners as well as of the appraisers by them appointed, will be hereafter determined.

10. Let this be communicated to the proper authorities.

[Signed] PATRICIO RIVAS.

[1] The omitted portion is not pertinent to this publication.

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

No. 45 GRANADA, *March 17, 1856.*

SIR: Important events have transpired since I had the honor to advise you "of the actual condition of affairs" in this Republic.

About a month since a Commission was despatched to Costa Rica, for the purposes of establishing good correspondence between the Sister States.

The Commissioners were rejected with scorn, and ordered to leave the country.

The President of Costa Rica (Juan R. Mora), issued on the 1st instᵗ his proclamation against the authorities of Nicaragua, and on the 11th instᵗ the President of Nicaragua by a decree declared war against Costa Rica, and the troops of Nicaragua are now *en route* to that State.

Copies of these Documents [2] are herein inclosed marked A. B. as also the Address of the General in Chief marked C.

This Republic is rapidly filling up with emigrants from the U. States.

Many capitalists, Merchants Farmers, Mechanics and Laborers arrived in the last Steamers from New Orleans, New York and California. Some with Flour Mills, others with Saw Mills and other machinery.

Four hundred men also came who joined the Nicᵃ Army which increases it to 1300 rifles of the foreign aid.

I have the honor [etc.].

1333

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [3]

No. 46 GRANADA, *March 31, 1856.*

SIR: In my last despatch [4] I informed you that war had been declared between Nicᵃ and Costa Rica.

The whole military force of Nicaragua (except the troops in garrison) is now on the southern border of the Republic, in Rivas, awaiting the attack of the Costa Rica army, which is reported to be advancing in strong force.

All intercourse by land or water between Costa Rica and any other point, has been interdicted. The English Mail was seized, and the enclosed papers were found among many others. They were sent for my examination, and I have deemed it proper to submit them to you and the President.

The letter of E. Hammond dated 9 feby. 1856 from the Foreign Office,

[1] Despatches, Nicaragua, vol. 2. Received April 4.
[2] Not included in this publication. Their purport is indicated in the foregoing paragraph.
[3] Despatches, Nicaragua, vol. 2. Received May 2.

ment at the deposition of E. Wallerstein Consul General of Costa Rica, (marked A) as well as the letter of said Consul Genl. charging upon the Government of the U. S. the intention of annexation to the United States and the introduction of Slavery to the violated territories, are full of importance.

I beg your patient attention to all these letters.[1]

[1] The following three communications were enclosed with this despatch:

Edward Wallerstein, Consul-General of Costa Rica at London, to the Earl of Clarendon, British Secretary of State for Foreign Affairs

LONDON, *February 4, 1856.*

MY LORD: I have the honor to acknowledge the receipt of Mr Hammond's letter, in which he informs me, by direction of your Lordship, that Instructions will be given to the British Admiral on the Pacific Station, to cause the Coast of Costa-Rica to be visited by Her Majesty's Cruizers, for the protection of British Interests.

In acknowledging with gratitude, on the part of the Government of Costa-Rica, the receipt of this gratifying compliance with the application, which I had the honor to address your Lordship, I cannot but express the hope and expectation, which will be entertained by my Government, that the Interests of Costa Rica will be included in this protection;—interests which, as I have already had the honor to represent to Your Lordship, are closely connected with the interests of British Subjects in that Quarter.

With reference to my former letters, in which it was my duty to draw your Lordship's notice to the designs of the Filibusters, from which so much danger is to be apprehended by Costa-Rica, in common with the rest of Central America; I cannot omit this opportunity of making known to your Lordship, that intelligence recently forwarded to me, and which, (as I find it likewise is mentioned in the public press), has probably been conveyed to the British Government through other channels,—shews, that the proceedings of these Filibusters, or unlawful aggressors, (under whatever Denomination they may carry on their projects) have been in effect, if not ostensibly, aided by a Ship of War of the United States stationed in the port of Grey-Town, and that they are therefore countenanced, directly or indirectly, in the territory of Nicaragua, by the Government of those States.

The Policy which actuates that Government in this respect cannot but be most injurious to the tranquillity and prosperity of the countries more immediately concerned, as well as to the interests of the Community at large; and as the but ill-concealed objects of that policy are, annexation to the United States, and the introduction of the system of American slavery to the violated territories,—the Government of Costa-Rica cannot too earnestly implore the attention of the British Government, to the melancholy fate which awaits her; unless the sympathy of Great Britain, on the score of humanity and civilization, can be awakened to the extreme danger of the moment, which can be averted only by some immediate and decisive Measure of counteraction.—

I have the honor [etc.].

The British Foreign Office to Edward Wallerstein, Consul-General of Costa Rica at London

LONDON, *February 9, 1856.*

SIR: I am directed by the Earl of Clarendon to acquaint you that having referred to the War Department your Letter of the 12th Ultimo, requesting that a small supply of arms may be furnished to the Government of Costa Rica, His Lordship has been informed by that Department in reply that 2000 smooth bore muskets (wittons) which are not so highly finished as the Line Pattern Musket of 1842, can be supplied for this Service at L 1.3.0 each, or if it should be preferred, 2000 of the Line Pattern musket of 1842 can be furnished at s56/8d each.

As soon as Lord Clarendon is informed by you of the species of arms which you decide upon, he will communicate further with the War Department, and request that the arms may be placed at your disposal.

Edward Wallerstein, Consul-General of Costa Rica at London, to Juan Rafael Mora, President of Costa Rica

[TRANSLATION]

LONDON, *February 16, 1856.*

MUCH ESTEEMED SIR AND FRIEND: The mail which brings the correspondence of January 1st, from Costa Rica, has not arrived, and in consequence I have nothing to say to you in regard to mercantile business. As to public matters, you will please to refer to my communications, of today, to the Minister. By this you will see that this government is willing to put 2,000 muskets at my disposal for the service of the republic of Costa Rica. Nothing is said in the note about the time of payment, and consequently the English Government agrees to my proposition. However, I have not made up my mind to take them previous to receiving instructions from you, or which of the two kinds of arms to take. In case I should take them previous to your being able to write upon the subject, I will send them in the month of March, if a vessel sails for Punta Arenas without further orders from you. I have not yet replied officially to Lord Clarendon to offer him my most sincere thanks in my own name and that of the republic, for his manifestation of sympathy and friendship for Costa Rica; and though the affable manner in which Lord Clarendon spoke to me when I bid him farewell, almost induced me to believe he would not refuse the muskets, I will not deny the pleasure I felt on the receipt of Mr. Hammond's letter. I could not sleep at all that night for joy. I sent him a note on the following day, stating I would address an official note to Lord Clarendon, conveying my thanks, and that in the meantime I entreated him to send me permission from the War Department to examine the two kinds of muskets, so as to ascertain which I should take for the republic. All this is very good, but I don't like the intelligence from Nicaragua where it seems Walker is establishing himself, firmer and firmer, every day. I cannot understand how the other States did not unite themselves from the beginning to expel him from Nicaragua. I have letters from Guatemala and San Salvador requiring me to request from this government, help and succor; but what can be done for republics or people who do not make an exertion to help themselves. When I was telling Lord Clarendon that Costa Rica already had an army of 800 men on the frontier of Nicaragua he was much pleased, and said "that was a right step," and I am persuaded that my having made that insinuation is one of the reasons for giving us the muskets. The questions pending between this country and the United States are very complicated, but there will be no war, for this reason, that the gentlemen in the great republic observe that although the British nation do not boast or say much on the subject, they are determined to punish the Yankees very severely for the least insult to the national honor. To the eyes of the whole world—of this country in particular—a war between the two nations would be one of the worst of evils; but to Central America the case would be very different, as Walker and his associates would soon be kicked out of Nicaragua.

I send to the government a copy of the *Times*, in which is found a letter from Mr. Marcy to the American Minister to Nicaragua. Though this letter appears to censure the Minister, and holds out a threat to Walker, the true sense is, that in short time the government of the United States will recognize Walker's government. May God help us. Yours, [etc.].

WASHINGTON, *April 8, 1856.*

The nationality of the government, and the independence of the people of Nicaragua having been destroyed by the pirates who sailed from the coasts of the United States, and, in the month of October last, succeeded in taking possession, by surprise, of the power of that republic;—the other Central American States being threatened with the same ignominious yoke of those, who, in the insolent intoxication of triumph, have not hesitated in declaring, in language evincing the most insulting contempt for Central Americans, their well-known purpose of establishing, throughout the country, the supremacy of another race; and seeing the number of their natural and declared enemies constantly and indefinitely increasing, notwithstanding the neutrality laws of the United States, the prompt execution of which, they requested in due time;—peace, between the Republic of Costa Rica, and the other nations of Central America, on one side, and the usurping and tyrannical power which is domineering over Nicaragua, on the other side, is no longer within the pale of possibility.

The Government of Costa Rica felt this from the beginning, and consequently, it abstained from all intercourse with the Usurpers; it advised the inhabitants of the Republic of the danger, and entered into an offensive and defensive alliance with the governments of Guatemala, Honduras and Salvador.

In the meanwhile, the fillibustering powers always hostile to Costa Rica, made attempts against the possessions and other rights of the latter, in the Costa-Rican province of Moracia, formerly called Guanacaste, and having subsequently become irritated by the attitude of Costa Rica, and enchanted at the increase of his own forces, he accredited a Commissioner, worthy of representing him on account of his antecedents, to go to San José to ask explanations of the government for its silence, notwithstanding the insidious communications which had been addressed to it from Granada. The Government of Costa Rica could not fall into this snare, nor look upon the aforesaid envoy in any other light, than as a spy, and did not allow him to enter the Republic. The fillibuster Envoy returned immediately, declaring War in the midst of protestations and threats.

The M. E. President of Costa Rica, having been authorized by the legislative power, called the inhabitants to arms, in the terms set forth in the proclamation of the 1st of March; and having transferred the Executive Power to the Vice President of the Republic, Dn Francisco Ma Oreamuno,

[1] Notes from Central America, vol. 1. Received April 8.

Nicaragua, determined to defend and sustain the national cause as it appears from the documents, copies of which the undersigned has the honor of enclosing, marked respectively, A, B, F, E, and D.[1]

The piratical usurpation of Nicaragua is a flagrant act of aggression against each and all the consolidated states of the Central American family. It is sought to extend the usurpation, and to repeat the act of aggression, by invading the territory of Costa Rica. The Government of the latter has thus found itself under the necessity of resorting to arms, in order to repel and punish the aggressors; and it relies on Providence and its right.

The undersigned, Chargé d'Affaires of the Republic of Costa Rica, has the honor of communicating the foregoing to the Hon. William L. Marcy, Secretary of State of the United States, declaring, that the Government of Costa Rica will exercise the rights of [a?] belligerent, so far as its forces and means and those of its allies, may extend.

In order to avoid the complications which the exercise of the aforesaid rights might occasion in future, and desirous to preserve the good relations which exist between Costa Rica and the United States, the undersigned, in making this declaration to the Hon. Mr. Marcy, deems it proper to state, with candor and frankness, that the lawless conduct of citizens or inhabitants of the United States, has been the sole cause of this determination on the part of Costa Rica,—that it was this alone which compelled the latter to undertake the war in which she is engaged, and imposed sacrifices which she protests she will reclaim from whoever may be responsible for the same. This is seen from the note, a copy of which marked E, the undersigned has the honor of enclosing, addressed by the minister of Relations of Costa Rica, to the agent of the Transit Company, at Nicaragua, in view of its proximity, for his own private information, and in order that no plea of ignorance may be alleged.

The Hon. Secretary of State is aware that after the detention of the "Northern Light," fillibuster recruits destined for Nicaragua have continued to sail from New York, New Orleans, and San Francisco, without any hinderance on the part of the authorities. The undersigned, therefore, avails himself of this occasion, to renew the reclamations of the 6th and 20th of December, asking for some preventive measure against the repetition of such piratical expeditions against the Central American States, which are at peace with the United States. The war and devastation which weigh upon Nicaragua, the absence of any legitimate authority, and the violent suspension of the transit to California, render the only two legitimate objects,—peaceful colonization or transit,—which North American expeditions could

[1] None of the enclosures referred to is included in this publication. Nearly all are hand-

have in view, impossible of attainment; if these excuses are alleged, it is in irony, showing that ships loaded with passengers for San Juan, are engaged in transporting recruits and adventurers, whom, it is well known, it is sought to entrap in these states, under fraudulent promises.

The undersigned, having performed his duty, by making the declaration and intimations contained in this note, has only now to request that the Hon. Mr. Marcy will be pleased to reply to it, with the least possible delay, in order that he may report to the Government of Costa Rica.

The undersigned has the honor [etc.].

1335

John H. Wheeler, United States Minister Resident in Nicaragua, to Juan R. Mora, President of Costa Rica [1]

G GRANADA, *April 15, 1856.*

SIR: The enclosed Statement shows me a state of facts, which you are already aware of—that on the 7th instt unarmed and inoffensive citizens of the United States were cruelly butchered at Virgin Bay, by the troops under your immediate command.

I have also seen your Proclamation, that all persons taken with arms in their hands shall be immediately shot, and another that all American citizens shall be immediately driven out of Nicaragua and Costa Rica.

To prove the sincerity of your first proclamation, you append a list of persons, who were taken prisoners at Santa Rosa, and shot on the 25th ultº. Among them I find the names of Isaac A. Rose, and John J. Gillin, natives of the United States.

I have no right, and certainly no disposition, to intefere in any way with the unhappy war now raging between two Sister Republics.

But it is my right, as well as my duty, to inform you, as the Chief Magistrate of Costa Rica, that the acts of murdering in cold blood, unarmed American Citizens, who are in no wise connected with any belligerent act, or party, is an offence against the Laws of God; of Humanity, and of Nations.

This offence is no less aggravated by the fact, that these troops, who committed so wanton an outrage, were under your immediate command—that you were on the ground, and did not prevent it, as it was in your power, to do. I would remind you of the letter of Mr. Molina the Envoy Extraordinary and Minister Plenopotentiary of your Government, near the Government of the United States, dated Washington City 13th Dec. 1854,[2] to the Secretary of

State of the United States, wherein he states that "the Laws of Costa Rica are exceedingly liberal (on the subject of granting lands to foreigners), and afford great facilities to immigrants who would come to Costa Rica and fix their residence there."

The Treaty between the United States and Costa Rica made in 1851 in the XII article, guarentees to citizens of the United States, residing in Costa Rica in their persons and property, the protection of your Government.

Under these inducements and guarentees, citizens of the United States have come and settled. What excuse can be offered, or how will you appear in the eyes of the world, when you publish a proclamation expelling these same persons, without being guilty of any crime; and murdering them without any mercy?

In the name of the people of the United States, and of the Government thereof, I protest against such infamous conduct; and be assured, Sir, that the Government of the United States, aided as you may be by insidious and powerful allies, will inquire into such acts of lawless violence; and of unexplained and unattoned for, will take decided measures, to protect the lives of our citizens and vindicate the honour of the Nation.

Rumours have also reached me, that some fourteen or Eighteen American citizens, Four Ladies, (one with an infant) were recently murdered by your troops at Virgin Bay.

I am slow to believe so diabolical an outrage.

John B. Lawless Esqr, the Bearer of this, is instructed to enquire in the name of the United States, for this Legation, into the facts touching this Rumour.

I send him with my Flag with this Despatch, and I pray that you give him a safe conduct through your lines, and a prompt reply to

Your ob. Servant.

1336

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States[1]

[EXTRACT]

No. 49 GRANADA, *April 17, 1856.*

SIR: In order to keep my Government well advised of the actual condition of Affairs in this Country, I regret to inform the Department that the war still rages between this Government and the Republic of Costa Rica.

I enclose marked A an official Bulletin of "John R. Mora, President of the

shot on the 25th ult.

A Bloody battle between the two contending forces accured at Rivas on the 11th inst.

The President of Costa Rica with Baron Burton, commanded about two thousand men, strongly fortified—these were attacked by the forces of Nicaragua, commanded by Gen[1] Walker with about five hundred American Rifles, and four hundred and fifty native troops. The battle lasted seventeen hours, when the Costa Rican Army left the place; loosing their cannon, and leaving their dead and wounded from 300 to 500 of their troops. The loss of Nicaragua was also severe—I enclose an account of this battle, (paper marked B) and a list of the dead and wounded, (marked C official).[2]

I regret that the conduct of the forces of Costa Rica is such as violates every rule of civilized warfare; that without mercy they fall upon unarmed American Citizens and murder them without discrimination—(see affidavits of Charles Mahoney marked D, of Aaron, B. Cooley marked E. and the statement of Judge Cushing marked F).[3]

As matters stand, it is doubtfull whether any American of any Character or position is safe, if he should fall into their hands— Their conduct places them beyond the pale of civilization, and they do not deserve the name or reputation of a Government.

Such conduct induced me to send my flag, with a special messenger to the President of Costa Rica, with copies, of the testimony taken in the Case (which may be implicity relied on) and a letter from me in Spanish and English; a copy of which, I enclose marked G.[4]

I hope that the tenor and tone of this letter will meet the approbation of

[1] The decree referred to, printed in English, is copied below; but the article in the same bulletin, giving a list of twenty prisoners shot, which is in Spanish, is not included in this publication; it announces that they had been taken with arms in their hands and that after they had written to their families and received spiritual assistance they were executed:

A

JUAN R. MORA
PRESIDENT OF THE REPUBLIC OF
COSTA RICA
GENERAL-IN-CHIEF OF THE ARMY
MARCHING TO NICARAGUA

All the fillibusters taken with arms in hand will be subject to all the rigor of the law, which in this case is death.

But all the fillibusters who have not used their arms against this Republic, and give up out of free will their arms and persons to officers of the Costa-Rica army, shall be pardoned.

JUAN R. MORA.

RAFAEL G. ESCALANTE.
Sub-Secretary of the Department of War.

[2] Neither of these is included in this publication.

[3] These affidavits are not included in this publication.

than justified by the facts and circumstances. The messenger has not returned in time for this despatch; and it is predicted that he never will.

I have written to the Commodore of the Home Squadron or of any national ship of war at Havana, to meet me at San Juan del Norte "to protect our merchant vessels from illegal seizure and pillage, and afford an asylum to our Citizens who wish to escape from scenes of violence and bloodshed." Be so good as to repeat this requisition to the Secretary of the Navy.

I am happy to say from authentic information, that the rest of the states of Central America, will not aid Costa Rica in this war. The commissioners sent by Nicaragua to San Salvador, Honduras and Guatimala have been well received, and assurances of neutrality have been given by them. But no confidence can be placed in these people if Costa Rica should gain any decided advantage (which is an event I do not anticipate) they would aid her.

If my report be believed, I would recommend the immediate dismissal of Mr. Molina, as representing a Government unworthy to be classed among civilized Nations.[1] . . .

I have the honor [etc.].

1337

José de Marcoleta, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [2]

[TRANSLATION]

WASHINGTON, *April 26, 1856.*

The undersigned has the honor of transmitting to the Hon. W. L. Marcy, Secretary of State of the United States of America, a copy of the "Cronica Española" of the 23d inst, which contains *the protest* issued by the legitimate President of the Republic of Nicaragua, in the city of San Fernando, on the 25th of last January,[3] relative to the invasion of the pirate Walker and followers, with other important documents.

The undersigned is aware that said documents were addressed to him officially, and by duplicate, by the Secretary of State, Don Nicasio Castillo, together with other despatches and Special instructions, for the occasion; but the situation and the circumstances under the weight of which the Republic is and has been groaning since the invasion of the vandals, who have hitherto restrained and stifled the expression of the national clamor and sentiment, have prevented the circulation of the mail, which, without the least doubt, has been intercepted.

[1] The omitted portion is not pertinent to this publication.

Footnote 3, p. 517—*Continued*

Manifesto of José María Estrada, the legitimate President of the Republic of Nicaragua, to the Government and people of Central America

[TRANSLATION]

COMAYAGUA, *January 25, 1856.*

The fatal event which, towards the middle of last October, changed in an instant the political face of Nicaragua, is already a matter of notoriety. Strange as it may be, the fact is, that the stronghold itself of the place, which, but a little while before, had been able, with such limited forces, to hold out against, and to triumph over more than eight thousand men, who had successively, and for the space of nine months, beseiged and stormed it, without interruption and with the fury of desperation, was taken by surprise, without even the firing of a single gun, and by three hundred men only. Some error in the execution of the supreme orders,—some carelessness on the part of subordinate officers,—the ingratitude of several foreigners who are indebted to Nicaragua for a thousand attentions and benefits,—forgetfulness, in short, of the sacred duties of fidelity, which the native of the soil owes to his country,—such have been the causes that have led to the catastrophy of the 13th. At a later period, history will unravel them; all that we have to do, at present, is to speak of the event and its consequences, in what relates to the subsequent operations of the government.

It seems very natural that the general in chief, D. Ponciano Corral, who, at that time, was at Rivas with more than eight hundred men, destined from the early part of September last, to fight the filibuster William Walker in that Department, should have fallen upon Granada with the whole, or the greatest portion of that force, as the point which had already been definitely fixed upon, for the termination of the war, and with it, the settlement of the fate of the Republic; but relying unfortunately upon being joined at San Fernando by four hundred men at least from among those that were there, and the division which had just triumphed at Pueblonuevo, he only took with him three hundred and seventy five men, with whom he reached the aforesaid San Fernando on the 18th of the same month of October;—a day on which, although in consequence of the threats of Leon, all the troops from Managua could not arrive, there were assembled over six hundred men, already well inured to field duty and in the best condition for rushing upon the enemy. Until then, every thing bore a favorable aspect; the fillibusters and their allies did not yet number more than three hundred men, when the defensive line of Granada required five hundred at least.

On the very night of the 18th the government spoke to the General in chief about the necessity of an immediate attack; to which he replied that he could not make, the attack at once, owing to the want of indispensable information; in which state of inactivity he passed the three following days, notwithstanding his being repeatedly urged by the government; until the night of the 21st when he received intelligence that the inhabitants of Leon, numbering eight hundred men, had attacked Managua; whereupon he resolved to send an auxiliary force of two hundred men on the morning of the 22d without which, General Martinez had already triumphed on that very night, with his force of only two hundred and fifty four braves, and three heroines of the people, who, on that memorable day, and to the admiration of every body, brought to mind the glorious times of the celebrated *Joahn of Arc.*

Whilst this was taking place, the Government was engaged in preparing a negative reply to the propositions for an arrangement, made by the fillibuster Walker to the General in chief, confined chiefly to a recognition of himself, as General in Chief of the Army of the Republic, a provisional Government being established. The first negative had the effect of causing the arrest, by Walker, of the very persons whose safety he had just guarantied; and the second, the assassination of the Minister of State, Licentiata, D. Mateo Mayorga, at early dawn on the morning of the 22d with the further threat, that if by eight o'clock, in the evening of that very day, a satisfactory reply was not given him, he should cause as many as ninety other persons to be shot, all of the first con-

Managua, in response to the fraternal embrace which General Hernandez, after his triumph at Pueblonuevo, had tendered them in the name of the Government, with a view of effecting a fusion of all Nicaraguans against the common enemy;—the absence of the two hundred auxiliaries who had been despatched to Managua;—the difficulty of securing the arrival of the other forces which were at that place;—the impossibility of obtaining as soon as necessary the five hundred men quartered at Rivas,—the distance at which several of the most popular and distinguished leaders of the army, found themselves from head-quarters;—the preaching of some of the ministers of religion in favor of the fillibusters;—the terror and consternation which suddenly overtook the city, in consequence of the murder of Mayorga and the terrible threat which followed;—and lastly; the false intelligence that Walker had increased his forces by the addition of four hundred riflemen who had joined him on the evening of the 21st—all these circumstances, each of them of the most urgent character, and hundred reflections, all of which conspired to present a most mournful picture of the condition of things,—all seemed to unite in paving the way for a great catastrophy.

It was under such unfavorable impressions that the commissioners of Walker arrived, for the third time, with the ultimatum of the 22d which had to be answered at once. Terrible struggle! One of the towns which had rendered most service to the cause of legitimacy, Granada,—that heroic population which, of itself, had supplied so many resources and so many arms for the support of an eighteen months war against rebellion;—those very people were to be coldly murdered and outraged on the night of the 22d if the government did not show itself pliable to the wishes expressed by the master of the place for a degrading arrangement. Cruel alternative! Either to agree to a convention of peace, over the innocent blood of an illustrious victim, or to witness the atrocious massacre and ill-treatment of one of the principal towns of the republic.

Even then the government did not hesitate and there are many witnesses of the fact. Thoroug[h]ly persuaded that the independence, Sovereignty and liberty of the country, are of more importance than the preservation of one of its towns, was firmly resolved that the place should be stormed at once, as he that expressed it to the General in chief; but unfortunately this gentleman said, being backed by his Major General, D. Fernando Chamorro, that, according to the last intelligence received, the rescue of the place was now impossible, and that the consequences of the loss would be terrible to the Republic.

What was then the government to do in so painful and peremptory position? It was already five o'clock in the evening, and the reply must be sent to Walker by 8 o'clock at night. The government being thus morally restrained in its convictions and desires, it abandoned the remedy of the position to the same General in Chief who had caused it, investing him with power to that effect, in order that he might save the Republic in the manner he thought most proper.

But, for the very reason that he was obliged to act against his own will, in order to issue the decree conferring power, he subsequently issued another decree, in which, foreseeing the results, he appointed plenipotentiaries, with a view of duly preserving the rights of the government.

(1) This is the decree: the government being desirous to secure, by every possible means, the independence, Sovereignty, and liberty of the Republic, which are at present seriously threatened, in consequence of Granada having been taken by North American filibusters, and as it may happen that the sovereignty of the Republic may, through some other event, unfortunately fall into their hands, in virtue of the plenary powers conferred upon it by the constitutive decree of the 3d of last March, said government has determined, 1st, that the licentiates D. José Sacaza, D. Francisco Dueñas, Colonel D. Fulgencio Vega, Lieut. Colonel D. Juan J. Ruiz and D. Pedro Joaquin Chamorro, be appointed Envoys Extraordinaries and Ministers Plenipotentiaries, near the Governments of Central America, in order that each of them, *in solidum*, and in accordance with the instructions which will be communicated to them by the respective Minister, may secure the independence, Sovereignty and freedom of Nicaragua, by concluding, to that effect, such conventions and treaties, as they may think proper; which shall go into effect, without the necessity of being ratified by this government, in the event of its ceasing to exist *de facto*, the supreme command, or that of the army, remaining in the hands of the aforesaid fillibusters.

2dly The Licentiate D. Luis Molina is appointed Envoy Extraordinary and Minister Plenipotentiary near the courts of England, France and Spain, in order that he may act in the same manner, as mentioned in the foregoing article.

in case of their not being able to present a proper commission, the pressure of circumstances not allowing it.

4thly The appointees are authorized to designate other persons of well known integrity of character, to act for themselves, in accordance with the instructions, which they shall communicate to them, within the limits of those which they themselves shall receive from the Department—The Minister of War (D. Nicacio del Castillo), in charge of the Department of Relations and government, *ad interim*, will see that the same is duly executed. San Fernando, October 22 1855.—Estrada—

The simple text of this decree contains an implicit protest of the government, against every thing that the General in Chief might do, by leaving the Supreme Command, or that of the forces, in the hands of the fillibusters; but it was even more express and positive, when, on the 25th of the aforesaid month of October, the treaty of the 23d was communicated to it. No reply was ordered to be made, but the following protest, with the knowledge of several persons of note, and even of the general himself, was formally drawn up.

—— "José Maria Estrada, President of the Republic of Nicaragua, to the governments and people of Central America, and the other governments and people of the civilized, world —— Being convinced that while the filibuster William Walker has the chief command of the forces of the Republic, the independence, Sovereignty and liberty of Nicaragua, and of the whole of Central America will be seriously compromised, and that individual rights and guaranties will, in no way be respected, notwithstanding any pledges which might be given to that effect,—therefore I declare, that in issuing the decree, in virtue of which, the General in Chief, D. Ponciano Corral, adjusted, with the aforesaid Walker, the terms of the convention of the 23d inst, which the former communicates to me this day, I only yielded to the force of circumstances, without being at liberty to exercise any will of my own; and consequently, I protest, in the most solemn manner, against the aforesaid two documents, reserving to myself all the rights which appertain to me, as the legitimate representative of the Nation, in order that I may vindicate the same, in proper time. And, from this moment, I appeal to the other governments of Central America for means and assistance, in order that they may, without further invitation, intervene in the affairs of this Republic, acting with arms in hand, as if for their own cause, until all foreign power shall have disappeared, and the legitimate authority been established. In faith of which, I sign the foregoing, in the presence of the Minister of War, in charge, of the Department of Relations and of government, *ad interim*, in the City of San Fernando, on the 25th of October 1855."—

The Minister of War, in temporary charge of the Department of Relations and of Government.—CASTILLO.

It will be seen by the above, that the legitimate government of Nicaragua remained in full possession of its rights, notwithstanding its disappearance *de facto*, and besides this natural remedy possessed by governments and individuals, in situations of even less violent character, there are, in this particular instance, two grave considerations which lead to the same result.

The government transmitted to the General in Chief the power conferred upon it by the constituent decree of the 3d of March 1853, for the purpose of saving the Republic, by such means as he thought most proper. To leave that Republic, then, in the hands of foreigners, is not to save it; it is to deliver it up; a thing which the government itself could not have done, nor yet the constituent assembly, because it is nothing less than suicide both of itself, and of its constituents, the people; and no people delegate power for their own political annihilation and suicide. Thus it is that General Corral, in leaving the Republic in the material power of the fillibusters, exceeded his trust, acted without authority, and consequently, his treaty of Oct 23d must be null, as the offspring of an excrescence of power—

On the other side, even supposing the treaty to be valid, it is already well known that Walker has not complied with any of its provisions. and therefore, that it has become powerless by the very fact that the essential conditions, which served as its basis, have not been fulfilled.

So that, whether on account of the protest, or the transcending of power on the part of the General in Chief, or, in short, the violation of the treaty, the fact is beyond all possible doubt, that the legitimate government of Nicaragua preserves its legitimate rights unimpaired, as the sole representative of the Republic; these being deduced from

For the furtherance of just ends, the undersigned hastens to communicate officially the aforesaid documents to the Hon. Secretary of State, of the United States, whom he requests, at the same time, to be pleased to receive [etc.].

1338

Luis Molina, Costa Rican Chargé d'Affaires at Washington, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *May 2, 1856.*

The undersigned, Chargé d'Affaires of Costa-Rica, pained at the charges contained in the official letter of the 25th of last month,[2] which the Hon. W. L. Marcy, Secretary of State of the United States, was pleased to address him, hastens to reply in the following manner.

The undersigned has read again, with the greatest attention, the notes which he had the honor to address to the Hon. Mr. Marcy, on the 6th and 20th of December, and on the 8th of April last,[3] and he does not find in them any expression calculated to justify the aforesaid charges; and he has moreover the pleasure of declaring, by this note, that it never was, in any way,

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Footnote 3, p. 517—*Continued*

this principle, a consequence likewise irrevocable, which is, that the anomalous government created by the two military chiefs who signed the treaty, is null in the fullest sense of that word, and, for the same reason, that all its acts and those of its subordinates are null, being answerable before the law, as guilty of usurpation of power, and treason to the country, all those who may continue to serve that illegal government, in whatever capacity—And I thus declare it again, in the most solemn manner, in fulfilment of the sacred duties which have been confided to me.

This publication could not be made while the public mind was still in favor of Walker; some because, probably in consequence of being naturally tired of the war, had attributed sentiments to him truly honorable, thinking him capable of securing the welfare of Nicaragua; others because they thought they saw his programme of dominion, in that Republic, filled up, by the fact, that the foreigner whom they had incautiously aided to enslave their country, remained in the chief command of the forces. The appearance, therefore, of a protest under such circumstances, would not only have caused the evils which spring out of wrath, but would likewise have deserved the contempt and scorn of those whose rights it proposed to save. Now matters have assumed a different aspect— Some became gradually convinced that the usurper of Sonora and the murderer of Mayorga, could not be the friend of order; others have seen with their own eyes, that the adventurer to whom they entrusted their destinies and the fate of their country, only thinks of himself and those belonging to him. This undeceiving of one self is sad, but useful. It is yet time to find a remedy for the evil; this remedy is Union. Will

or that of the authorities, by imputing bad faith to them. The undersigned is sufficiently conversant with his duties to know that either of those charges would be improper on his part; that the Republic of Costa Rica, which he has the honor to represent, does not derive its right from the municipal, but from international law, and that the mission of its representative is to cultivate the best relations with the United States.

The undersigned, so far from venturing to cast the least imputation, either directly or indirectly, against the good faith of the government and authorities of the United States, has taken pleasure in acknowledging their efforts to enforce the neutrality laws. Nor was it less remote from the intention of the undersigned, to use the least expression which might have seemed personally offensive to the Hon. Mr. Marcy.

But the undersigned, on the contrary, would have deemed it an offence, not to have taken it for granted that the Hon. Secretary of State was informed of occurrences which were notoriously known; and being convinced that such occurrences are in conflict with the international rights of Costa Rica, and are about to cause sacrifices, both of money and of blood, he could not, without neglecting his duty, avoid reproducing his reclamations of the 6th and 20th of December. Without relinquishing his right of again insisting upon this point, the undersigned will cite here, in support of his assertion, the "Daily Union" which from the 27th of December to the 14th of March, contains notices of 6 expeditions of auxiliaries for the invaders of Central America.

To make the government of the United States officially acquainted with the state of war in which Costa Rica finds herself, by showing the exceptional character of that war, and the justifying reasons which the government of the undersigned took into consideration, in accepting the contest which was imposed upon it, as an imperative national necessity, is the principle object, especially a friendly one, of the note of the 8th of last month; and the ardent desire on the part of Costa Rica, to avoid complications, to cultivate the good relations subsisting with the United States, and to preserve the regard of this government, is the determining cause.

The undersigned appeals, without hesitation, to the literal expressions and to the honest meaning of his notes, and to the integrity of the Hon. Mr. Marcy, to repel the charge of having been pleased to call the conduct of the adventurers who have desolated and insulted Nicaragua, illegal. If such complacency had comported with the personal character of the Representative of Costa Rica, he would have found sufficient words, much more severe, which he might justly have accumulated, in designating the conduct of those, whom the public calls, with perfect propriety, fillibusters.

The undersigned proposes to reply on another occasion, stating his views

at length concerning the main points of the questions contained in the aforesaid communication of the Hon. Secretary of State; and through his respected medium, he has now the pleasure of presenting his best respects to H. E. the President of the United States, and to tender to the Hon. Mr. Marcy [etc.].

1339

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACT]

No. 50 GRANADA, *May 3, 1856.*

SIR: Since the battle of Rivas of which I advised you in my last,[2] there has been no conflict of arms of importance between the forces of Nic^a and Costa Rica.

The army of the latter abandoned Rivas on the 27th ult^o and retreated; leaving their sick and wounded to the generosity of Walker, who now occupies Rivas, Virgin Bay and the whole Transit Route.[3] . . .

I have the honor [etc.].

1340

Luis Molina, Costa Rican Chargé d'Affaires at Washington, to William L. Marcy, Secretary of State of the United States [4]

[TRANSLATION]

WASHINGTON, *May 6, 1856.*

The undersigned, Chargé d'Affaires of Costa Rica, has the honor to acknowledge the receipt of the communication of the Hon. W. L. Marcy, Secretary of State of the United States, under date of the 2nd inst,[5] and of the accompanying copies of documents transmitted by the Minister Resident of the United States at Nicaragua, relative to certain excesses which are alleged to have been committed by the troops of Costa Rica, at Virgin Bay, against inoffensive North American citizens.

In the abscence of instructions and of official information concerning the occurrences which may have taken place at the taking of Virgin Bay, the

has no doubt but that the government of Costa Rica will reply, with all possible speed, in a satisfactory manner, to the government of the United States, with which it is its constant desire to maintain and draw closer, the relations of friendship which happily subsist.

In the meanwhile, the undersigned can and must say; that the Government of Costa Rica will not authorize acts calculated to tarnish the good fame it has earned for itself, by the moderation and rectitude of its principles, as a recognized member of the family of civilized nations. On the contrary, it professes to have as much horror, as the government of the United States for shedding the blood of unarmed people; and if it shall be proved, from the inquiries it will order to be instituted, that the report and declarations received by the Hon. Secretary of State are correct, the government of Costa Rica will, without the least doubt, bring the guilty parties to trial, in order that they may be punished as they deserve.

The undersigned must likewise observe, that the war is not between Costa Rica and Nicaragua but between the united people of the two States, or rather, of Central America against a band of unauthorized adventurers who are impoverishing and oppressing the inhabitants of Nicaragua and who are threatening to impose the same yoke upon the rest of Central Americans. Costa Rica cannot accord the rights of war to a band of men amenable to penal laws, which certainly, are not more severe in those States than in the other States of the civilized world. Nevertheless the undersigned has reason to believe that it was not a sense of right alone, which occasioned the severity of the chiefs of the Costa Rican army; for he knows, through a trustworthy, although a private source, that the prisoners taken at Santa Rosa, were in safety, until it was ascertained by their own confession, that two days before the action, the forces of Schlesinger had come up with a Custom House station guarded by nine Costa Ricans who made resistance; and two having been killed in the encounter, the other seven were taken prisoners and subsequently shot

Finally, the undersigned is of opinion that the documents before him are not entitled to implicit credence, and hopes, from the equity of the government of the Union, that it will suspend its judgement until it can be ascertained what has taken place at Virgin Bay, and that it will not be too severe, with regard to a nation that is defending her most sacred rights against those who have outraged and attacked her, merely because she is weak.

The undersigned avails himself of this occasion [etc.].

WASHINGTON, *May 14, 1856.*

SIR: The unhappy situation of the country in which I was born, and the desire of exerting my best efforts to relieve it, have led me to leave my native shores to come to represent its interest in the Capitol of this blessed Republic.

In Your Excellency's reply declining to receive a former Envoy sent by my Government,[2] you say:

> Those who were chiefly instrumental in suspending or overthrowing the former Government of that State were not citizens belonging to it, nor have those citizens, or any considerable part of them so far as is now known here, freely expressed their approval of or acquiescence in the present condition of political affairs in Nicaragua.

If your Excellency is not already disabused on this subject, I trust the explanation I now have the honor to make, will place the affairs of Nicaragua in such a light, as to induce you to view our circumstance, in their true position.

Nicaragua, more than ever since her history began, for the last three years, has been bleeding at every pore. The inauguration of Don Fruto Chamorro as the Director of Nicaragua, was the commencement of the storm. Shortly after it, he began to show his tendency to despotism, and usurping the sacred rights of the people who had elected him, he commenced to form the chain of their misfortunes, Fearing, however, a few citizens who had the interests and liberty of their country at heart, he adopted a course calculated to render their patriotism useless, by commencing criminal proceedings against them. The greater part of these men were liberal members of the Constituent Assembly which he had convoked for April 1854, and possessed too much integrity to vote away the liberty of the Republic. Among them were Don Francisco Castellon and General Jerez—the former a well known upright and influential patriotic citizen—a man of liberal views, of a superior education, and a correct knowledge of the world, that he had acquired during a long residence at different Courts of Europe. The latter is also of similar character, views, and experience. These and other patriots Chamorro imprisoned and banished subsecuently to Honduras. Gen[1]

[1] Notes from Central America, vol. 2.
Agustin Vijil, the writer of this note (whose name also appears elsewhere "Vigil"), transmitted on the same date his credentials as envoy extraordinary and minister plenipotentiary of Nicaragua. He announced his intended absence on June 28, 1856, leaving John Heiss, secretary of legation, in charge.

[2] See note of December 21, 1855 from the Secretary of State to Parker H. French, above, this volume, pt. 1, doc. 1063.

Jerez, at the head of a few courageous men, returned to Nicaragua; and at Chinandega, the first large town near the borders of Honduras he organized a Provisional Government. The popular masses joined him freely, they having become alarmed at the proceedings of Chamorro. The forces of the Provisional Government marched on Leon, where Chamorro had his camps; and as soon as both armies met, the whole Chamorro force came over to Genl Jerez. Chamorro then took refuge in the City of Granada and by sacrificing the wealthy portion of the population he assembled together a force of one thousand men, to stand a siege of nine months in the Plaza; during which time a large portion of this beautiful City was completely destroyed.

The Provisional Government was compelled to raise the siege and invited American Citizens to lend their aid to it. Ninety of them responded to the invitation and became naturalized citizens of that country.

Shortly after Chamorro died and the Constituent Assembly trampling on the very Constitution and Charter they had made but a few days before, arrogated to themselves the ordinary legislative power and appointed Don José Maria Estrada as the successor of Chamorro, whose footsteps he began to follow. This is the sort of Government which has been styled Legitimate, and which was not and could not be so, according to the Constitution of that State, because Chamorro's term of office having expired, only the people of Nicaragua represented by the Juntas of the Departments and never the Assembly, ought to have appointed the successor.

With the assistance of our brave allies things were soon changed, and our forces took possession of the City of Granada on the 13th of Octr 1855. At this time the Americans in the service of Nicaragua did not number more than one hundred and fifty men, commanded by General William Walker. And, what was the conduct of those who overthrew the Government of Estrada? They used every effort—and successfully—to restore and maintain order—to protect the persons and property of the citizens—to gather up the elements which war and revolutions had scattered abroad, and to frame them into a new order of reconciliation and peace. They invited General Corral, the Chief of the hostile forces, to a conference; and the latter being fully authorized by the Government that styled itself Legitimate, they agreed to appoint a Provisional Chief, for which office Don Patricio Rivas was selected, and that Genl Walker should be the General in Chief of the whole military force of the Republic. It is impossible, Sir, to describe the enthusiasm that prevailed on that day. Two armies, that were hostile to each other the day before, got merged into one and the two Generals embraced

His first step was to address a peaceful and friendly invitation to the Chiefs of the Central American Republics. The Government of Guatemala deigned not to give an answer: the Salvador manifested a disposition to form friendly relations: Honduras recognized the new administration; but Costa Rica declared a horrible war of extermination against it.

Thus situated, my Government desires to maintain by diplomatic intercourse the good friendship that always united Nicaragua to this great Republic on every ground, and especially because the great highway between the two Oceans, that is equally interesting to these States and to Nicaragua, is embraced within the borders of the latter.

Born and educated in Nicaragua, and now for the first time a visitor to the shores of this great Republic, I have a right both to speak about the facts which have marked our past and to anticipate the happiness that we may expect in the future, as well for my own country as for these great States.

Your Excellency may be positively certain that during the seven months of President Rivas' administration there has been no attempt at revolution against him, and that the whole people of Nicaragua form a united family prepared to maintain order at home, and to resist foreign aggression.

That my Government has obeyed the institutions of the country has been lately manifested by calling the people to elect the Supreme Authorities of the Country, which election began on the second sunday of April last: and if the balloting has not taken place in the Oriental and Southern Departments it was because of the hostile invasion of the Costa Ricans.

I have come to your Country with the official character of the representative of the Hon. D. Patricio Rivas, the Chief Magistrate of the Republic of Nicaragua, and I hope for the interests of both countries that I shall be esteemed worthy to represent near this Government that Republic and that I shall find here a Government friendly to our peace, prosperity and permanence.

I have the honor [etc.].

1342

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

No. 51 GRANADA, *May 15, 1856.*

SIR: The duplicate of your despatch No. 18 dated 8 Jan. last,[2] has this day come to hand, and has received the attention its importance merits.

I regret its miscarriage, as my silence may have been misconstrued. It

So far as my knowledge or observation extends, "the present political organization of this State", is as firmly fixed in the hearts of the people as any Goverment was or can be. The political history of Nicaragua for the last twenty years presents a series of contests for political power; The parties, under names of "Liberals and Serviles", or "Democrats and Legitimists", have waged one continual strife. The policy of the present Government is to amalgamate both parties, as the Executive officers are selected from prominent Leaders of each. These would not shake off the power of Walker, if they could; While his force inspires confidence, it also represses that restless spirit of political jealousy, which else would arise, and repeat the bloody scenes of the past.

The report which you communicate that "Estrada is exercising the authority of President of some parts of Nicaragua", is entirely without foundation. He is now in Honduras, and has not been in Granada or Nicaragua since Octr. last.

The other report which you mention as to "Rivas being the nominal, and Walker the real head" is equally fabulous.

The Executive Govt. is now at Leon, while Genl. Walker is at Virgin Bay more than 150 miles apart. Doubtless the counsels and opinions of Walker have their influence; but I have yet to learn that any improper influence is used by him.

The Constitutent Assembly or Congress is to meet at Managua on the 25th. ins^t, at which I shall be present, as "a position favourable to the acquisition of a correct knowledge of the internal affairs of this country."

I feel it my duty to place you, confidentially on your guard, against the person who styles himself Secretary of Legation from Nicaragua to the U. S. He informed me and others that such was the fact, and will doubtless so state to the Department. You have the means of knowing if it is so.

I have the honor [etc.].

1343

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States[1]

No. 52 GRANADA, *May 16, 1856.*

SIR: As I advised you, in despatch No. 50[2] I accompanied my family as far as San Juan del Norte, *en route* to the United States, and have just returned from that place.

[1] Despatches, Nicaragua, vol. 2. Received June 3.

[2] For the portions of his No. 50, that are pertinent to this publication, see above, this part, under its date, May 2, 1856, doc. 1342.

The Steam Ship Orizaba with passengers for California and Central America, on her recent arrival at San Juan del Norte, was boarded by Capt. Tarlton [Tarleton?], the Commander of H. B. M. Ship of War the Eurydice; and her Register demanded, the destination of her passengers enquired into, and was forbid by him to land at Greytown.

Capt. Tarleton [Tarlton?] called on me, and I enquired of him as to this matter, and he stated that his objection to the landing of the passengers at Greytown was, that provisions were very scarce at that place, and that there was no accomodation for so large a number of persons.

Capt. Tarleton is an accomplished Officer, and has acted, doubtless, in this matter, under orders of his Government, whose reasons lie deeper than those expressed by him to me. The fact is confirmed, as expressed in my presence at Leon by the English Vice Consul Thomas Manning Esquire, that his Government would place at San Juan del Norte, and at San Juan del Sur, vessels of War who would examine into the character and business of all American persons, or Travellers.

I have the honor [etc.].

1344

Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

NEW YORK, *May 19, 1856.*

The Undersigned, Minister Plenipotentiary of the republics of Guatemala and Salvador, has the honor to state to the M. E. Secretary of foreign relations of the United States that the recognition by this government of that which Mr. Walker, a citizen of the United States, has pretended to establish in Nicaragua, having been published, he finds himself under the imperative necessity of protesting against this act, holding the same as in the highest degree opposed and injurious to the interests of Central America.

It is not to be disputed that every government has a right to recognize as matters of fact the governments which may be established among nations, whatever may be the form that is adopted, and that a usurped government is as much entitled to recognition, as one legitimately constituted; because it is not for foreign nations to decide upon the legitimacy of other governments; this principle being based upon that other principle which lays down the rule, that States must not interfere in the internal affairs of others. These doctrines however, which have been generally admitted as the guar-

instrumental in producing contrary consequences.

It is not the people of Nicaragua who have constituted the actual tyranny of that country; it was a party of adventurers, citizens of the United States, who committed violence against the Nicaraguans; it was this party who deprived the aforesaid Nicaraguans of their independence,—who set up a government of North-American Nationality, in a country which was on terms of the best harmony and friendship with the United States, treating the Nationality of Nicaragua with the most contemptuous derision, and placing at the head of that administration, a ridiculous caricature of national government, in the person of an individual who has been weak enough to carry out the views of those audacious adventurers. There is no one, either in the United States, or in any part of the world, who is ignorant of the fact that Señor Rivas, who calls himself President of Nicaragua, is nothing but a creature of Walker, the pliant slave of the rulers of his country. The journalists of this American Union have incessantly repeated the authentic fact, if not in these same words, at least in language bearing the same meaning, that Walker and his North American soldiers, control every thing there— In the recognition, therefore, which has been made by this government of that at present existing in Nicaragua, it was not purely and simply the right, which every nation has, to recognize the Governments *de facto* which independent people may form, which was exercised, but it was a recognition of the right which United States citizens are supposed to have, to usurp the sovereignty and the independence of nations that are not very strong.

The undersigned may be permitted here to mention what has been published by the greatest part of the Journalists in these states, relative to the right which it is sought to concede to citizens of the Union to go to any country to take part in civil dissentions, although the object may be, as in the case of Nicaragua, to upset a legitimate government, by assisting the enemies of the constitutional authorities. Such a right may suit the convenience of citizens of this country; but it cannot, in any way, suit that of the generality, nor of the universality of all nations; and there can be no doubt whatever that such a right never will be universally sanctioned, in as much as the same must, at all times, be looked upon, as the most serious and most scandalous abuse of individual liberty. These same Journalists have sought to promulge from one extreme to the other of the Union the iniquitous and extravagant idea, that the government of the United States is bound to protect the enterprise of its adventurers, because it suits these states that North-American citizens shall extend their influence and dominion over the whole of Central America, as well as over Mexico and the Island of Cuba; because, according to the policy of these writers, all that which is, or may be advantageous to the United States, is just and equitable, although it may be

the happiness of the people of the whole continent of both Americas, depends on their subjection to this republic, maintaining that the manifest destiny of the latter, is to make the principles and interests of all other nations, to conform to her own principles and interests.

It is true that there have been, and there are still in the Union, wise politicians who condemn doctrines so contrary to those principles of equity upon which the peace of the world depends; there is and ever will be, in these States citizens who preserve those salutary maxims of moderations and of justice which, since the days of Washington and of Adams, have contributed to raise this nation to the degree of felicity and grandeur where she finds herself; but these just men have not been able to triumph over the party which seeks to obtain the annexation of Spanish America to the United States by force, in order that slavery may again be established in those countries, maintaining that nothing can be made to progress there, as in the south of the Union, without slave labor. Millions of citizens of this republic, almost all those belonging to the Northern States, condemn the plans and the principles of the party which sympathizes with the adventurers of Nicaragua; but, be that as it may, the outcry of the protectors of the new system of aggrandizement which it is desired to adopt for the United States, against the most dear and most respected interests of the other American nations, has prevailed.

The origin of this doctrine, was the invention of Mr. Munroe, President of the United States, who sought to establish as a principle that the United States had the exclusive right of interfering in the political affairs of this continent, prohibiting all intervention on the part of European nations. This pretended right, however, was not admitted by any of the fifteen Spanish American republics, nor by the Empire of Brazil; and if European nations have not thought fit to take a serious view of that declaration until now, this is of little consequence, & can have no effect in making the other nations of America consider themselves as subjected to this species of protectorate which they have not asked for, and which must not be imposed upon them by force. Such guardianship is highly injurious to the rights of those nations whose inherent sovereignty and independence, are conceded.

The present question being considered in relation with all the antecedents that have been mentioned, it results that the recognition made by this government of the authority established at Nicaragua by adventurers from these states, is nothing but a consequence of the principles of general dominion propagated among the party which defends and supports all acts of violence. This recognition does not amount to less than the support and protection of the United States, in favor of the foreign disturbers of a friendly nation;

money in abundance, to those who are lording it in Nicaragua, and are threatening soon to lord it over the other Central American republics, over Mexico, Cuba, and the Isthmus of Panama, leaving the task of extending their dominion as far as *Tierra del fuego*, to a later period.

There is another point to be taken into consideration, in regard to the circumstances, under which the recognition of the government of Walker has been effected; it is that said recognition took place at a time, when it seemed that the tyranny of Walker was about to be put down; so that this measure cannot be viewed in any other light, than as a means adopted in order to secure the triumph of the part of the North American invaders against those who are defending their own nationality. And upon this point, it must be remarked; that this nation has never proceeded with such haste in the recognition of the governments of Spanish America, when they presented less difficulties, and concerning which, there could not have been the imputation that they were recognized from considerations of exclusive and selfish interest. Before it was determined to recognize Chili and Buenos-Ayres, Commissioners were sent to those countries, to obtain information as to the character of those governments, as, also, of their forces and means to preserve their independence, and some years were consumed in these preliminary proceedings. Columbia was not recognized till the year 1824, after England had made such recognition. This nation, then, has not been precipitate in recognizing the Spanish American Governments except in the solitary instance which has presented itself, when adventurers from the United States were interested in the matter; that is to say, when the loss of Spanish American Nationality would redound to the exclusive advantage and aggrandizement of the Union at the South.

The undersigned, must also be allowed to remark, in this place, that although he is very far from conceding to the citizens of any Country in the world, the right of going to foreign States to assist parties that rise against the national legitimate authorities, in the act of Walker and his followers, there is hardly to be seen the character of auxiliaries of a Nicaraguan party, but simply the character and all the acts of usurpers who have abused the confidence of those who called them to their assistance. If there were any traitors to their country who invited them, Walker knew how to punish the outrage committed in inviting him, and chastized them by putting himself above them all, and by constituting himself the real tyrant of that land. This fact, as it has been stated above, is known to all the world, and the very panegyrists of the audacious usurper have owned the fact, eulogizing his pernicious talents and his faithless and barbarous conduct.

together with all the dearest interests of those republics being, as they are, compromised by the measures which the Cabinet of Washington has just taken; at the same time, however, the Undersigned has the satisfaction of renewing to the M. E. Minister of foreign relations of the United States, the assurances of his most distinguished and respectful consideration.

1345

Luis Molina, Costa Rican Chargé d'Affaires at Washington, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *May 22, 1856.*

When in December last, the undersigned, Chargé d'Affaires of the Republic of Costa Rica, by agreement with the Minister of Guatemala and Salvador and that of Nicaragua, deemed it his duty to address himself to the Hon. W. L. Marcy,[2] Secretary of State of the United States, declaring the military enterprise set on foot in California against Nicaragua, by the fillibuster William Walker, inimical to the nationality of the States which constitute the Central American family, and requested the government of the United States to mark said enterprise, and its ephemeral and criminal results, by its solemn condemnation, and to adopt effective measures in order to prevent assistance and reinforcements from being again afforded to the invaders of Central America from this country; the Hon. Secretary of State said [3] that he appreciated the motives of that communication, which he considered natural, and gave the assurance that the recognition made on the 10th of November by the American Minister, Mr. Wheeler, had not been in conformity to, but at variance with the instructions of the Department of State. Finally, the Hon. Mr. Marcy, acknowledging that independence is as dear to weak States as it is to the strongest, declared that the wish, the determination and the interest of the United States is to respect that independence.

Moreover, the government of the Union, in fulfilment of its obligations of neutrality, proclaimed the illegality of said enterprise and those of a kindred character destined to participate in military operations in Nicaragua, declaring the same to be dishonorable and criminal; it warned every body to avoid becoming mixed up in them on pain of forfeiting the protection of the government, but rather to disapprove and prevent them; and for that purpose, it directed the civil and military functionaries to use their legal power, in

order to mantain the authority and carry out the laws of the United States. Said government refused to receive the fillibuster Minister P. H. French, or any other, for very just reasons, expressed with preciseness and clearness by the Hon. Secretary of State. It thus abstained from recognizing the bastard power, the evident offspring of the crime committed against the laws of the United States and the nationality of Nicaragua and her sisters. Finally, it broke up, through the medium of the Hon. and worthy District Attorney Mr. McKeon, the expedition which was ready to sail in the "Northern Light," on the 24th of December last, and other fillibusters have been detained. But no one has ever been convicted, although several of the most prominent fillibusters have been the object of public ovations; The vigilance of the zealous District Attorney of New York has never ceased to be set at defiance by many criminals, under various pretexts; nor has the undersigned learned that the District Attornies of San Francisco, and New Orleans, have taken measures to prevent the repeated expeditions which have sailed publicly from both of those ports. The impunity and impudence of the fillibusters have been getting from bad to worse. On the 10th of last April, 208 men destined to reinforce Walker, embarked publicly at New Orleans, under the command of the so called General Hornsby and other criminals equally known, to the sound of music called the Nicaragua band. This scandalous expedition was announced beforehand by the press.

Costa Rica, in the meanwhile, in alliance with the other Central American States, had been compelled to commence the struggle with the fillibusters, for reasons of self preservation and in order to liberate Nicaragua, yielding to the call of the legitimate president and the people. The adventurers who invaded the Costa Rican territory were beaten at Santa Rosa; the liberating army occupied the line of transit and the southern department; and one of its divisions inflicted severe punishment upon Walker and his best troops at the city of Rivas.

The disasters which citizens of this country have drawn upon themselves, by going to shed the blood of friendly nations and to spread terror and desolation in the heart of States that have always extended the hand and cherished in their bosom fraternal feeling towards the inhabitants of this Republic, have stirred up a great number of active sympathizers in all the ranks of American society. Subversive writings have been brought publicly to light even in the official organ; there have been committees; speeches have been made and subscriptions opened; all for the purpose of making the black appear white, of exalting crime by calling it virtue, and of inducing the people to give material aid to Walker against Costa Rica because that Republic has the fault of being weak and the audacity to defend herself.

which H. E. addressed to the Senate and House of Representatives under date of the 15th inst. The undersigned has felt the utmost pain in reading this document, because in it he sees the people of Central America represented in an unfavorable light, with unmerited wrong to all and more especially to Costa Rica; and he cannot but apprehend that the interposition of interested parties has prevented the truth from reaching the President of the United States; causing the just and prudent policy adopted in December last to be abandoned.

The undersigned, Chargé d'Affaires, performs a painful duty in addressing to the Hon. Secretary of State of the United States, the present solemn protest against the aforesaid writings, meetings and speeches, in as much as they are in opposition to the law of neutrality, according to the explanations given by the Hon. Secretary of State in another and similar case; while in the present instance, they not only constitute the cause but likewise the beginning of the violation of the law; against every expedition and assistance whatever, whether individual, pecuniary or otherwise going out of the United States to strengthen the piratical expedition originally commanded in Nicaragua by William Walker, as contrary to the international obligations of neutrality and to the sections 6th and following of the law of April 20th 1818; and, with all due respect to the government of the United States, the undersigned protests against the aforesaid recognition, both on account of the time and other circumstances under which it was effected, and because it sanctions, in a certain manner, the criminal acts of the fillibusters who are at Nicaragua, inducing them stubbornly to persevere in their illegal enterprise, and because said recognition will encourage those who are preparing to follow their example against the rights of Costa Rica and other states of Central America.

Costa Rica is conscious of not having given the least cause that might justify the hostilities that are being waged against her; and if she succumbs, it will not be without honor, nor by the hand of justice, but by that of force destitute of reason.

The undersigned appeals to the equity of H. E. the President of the United States and of the Hon. Secretary of State; and hopes that the protestations of friendship towards the Central American States will not be in vain; nor the assurances that the neutrality laws will be carried out against those who are seeking to violate them, in order to wage war against nations that are at peace with the United States. Thus will this nation lawfully exercise all the influence she wants in Central America; she will be strong against the

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

No. 57 GRANADA, *June 15, 1856.*

SIR: The state of affairs in this Republic is far from quiet.

The enclosed Proclamation of the President (marked A) as well as the address of the Commander in Cheif (marked B) [2] proves that War is threatened on the North, from Guatemala. There have been no hostilities as yet, as the season (the rainy or winter season just set in) is unpropitious for military operations, on account of the condition of the Roads.

You will observe by the enclosed marked C, that an Election was held in this State on Wednesday, Thursday and Friday last, for President of Nicaragua for two years. This Election, by a decree of the Government dated 10th instt (copy enclosed marked D) has been annulled, and a new election ordered, and a direct vote by the People, will be had on the 24th inst.

I pray the attention of yourself and the President to these documents—for after reading them, you will, as I was, be greatly suprized, when I inform you, that on the day after this Decree is dated (on the 11th instt) without any previous intimation, or any cause that can be discovered, the President and his Cabinet suddenly disappeared from (Leon) the capital.

Where they are, whether concealed at Leon, or on board of the English Man of War (the President) now at anchor at Realejo—or whether they have joined the forces of Guatemala now on the northern frontier of Nicaragua, is not known.

One fact is certain, that Parties have divided for twenty years or more, political parties have divided Nicaragua, and deluged it in blood.

The periodical season for such sanguinary harvests is the election of a Cheif Magistrate. Their history shows that on any new election, the unsuccessful party take flight, and if the Cheif of that party is taken, he is summarily executed.

The Election, in this case seemed tending to a point not favourable to certain Aspirants—Hence this retreat of Rivas and his Cabinet. I believe that no such fears should have existed; and that this conduct has no popular sympathy, and it is thought that when they are assured of their personal safety, that they will return to their posts and cooperate in the defence and for the welfare of their common country.

As the elections come off so soon, no great inconvenience can result; During the interim the State has been placed under martial Law.

You have now all the facts of the existing state of things now in this Republic.

The friends of Walker believe that the masses of the people are with him. This will [be?] proved by the election next week, as his name is before them for the Presidency.

The Men of influence and property assure me that they are sick of the imbecility and treachery, which for years have attempted to rule in Nicaragua and will vote for Walker.

There is however no calculation to be made, or confidence to be placed in the words or promises of these people.

I am certain that the influences of Americans from the North will tend to purify their principles and elevate their conduct. With this idea it will prove a blessing if the whole of Central America becomes Americanized by the industrious and interprizing from the North.

I have the honor [etc.].

1347

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACT]

No. 59 GRANADA, *June 30, 1856.*

SIR: . . . As I informed you in my No. 57,[2] the elections in this Republic, came off on the 24th inst.

By a decree of the Supreme Govt. the people cast their ballots directly for President, thus avoiding their former mode, which was so liable to intrigue and corruption and which was frequently and flagrantly committed, so that civil wars long and bloody have followed.

The elections continued for three days, and from the returns, nearly a unanimous vote has been given for Wm. Walker.

The inaugeration of the new President will, I learn, take place on the 4th prox°.

Don Patricio Rivas and Cabinet have returned to their posts. They will be obliged by public opinion, so decidedly expressed, to conform to circumstances.

Doubtless following the precidents of the history of the country, they would create some distraction, but the people have too long been disturbed by such feuds, to permit the ambition of a few, to destroy the prosperity of the country and deluge it in blood. . . .

Respectfully yours.

[1] Despatches, Nicaragua, vol. 2. Received July 16.

General Máximo Jerez, Acting Minister of Foreign Affairs of Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

LEÓN, *July 3, 1856.*

SIR: Such are the nature and importance of events, in Nicaragua, that the Supreme Government of this Republic has deemed it highly necessary to bring them to a knowledge of the Cabinet, of Washington, whence will emanate, it is to be hoped, those wise measures, which may exercise a powerful influence in directing the affairs if this country in the ways of civilization and universal justice.

Circumstances, peculiar to the condition of Nicaragua and not necessary to be here detailed, had warranted, on the part of this Government, the propriety of admitting, into the ranks of the army, foreigners under the character of naturalized citizens and of putting Mr William Walker in command over both those and the whole armed force of the country. But this Chief, betraying the confidence, with which he had been honored in the beginning of the preceding month, revealed his hostility to the rights of the Nation, even to the extent of threatening the government, requiring that the Supreme Authority of the Republic should be delivered into his hands and intimating that, if this were not voluntarily done, he would possess himself of it by force. This threat was followed by various military operations, deeply humiliating for the country and equally alarming to the members of the government, to which, on the other hand Mr Walker presented inadmissible propositions. To these propositions, however, they were, in part, compelled to defer, with the view of warding off greater evils from the Republic; reserving to themselves to elude them, as they did as soon as possible, by transferring the government from this city to Chinandega and then repealing the measures, which, in the hour of compulsion, the public conflicts had made a matter of necessity. In this way were revoked the powers, which, a while before, had been, under the requirement of Mr Walker, conferred on Mr Domingo Goicouria to represent Nicaragua at the Courts of England and France and to negotiate a loan in the United States, on terms which are deemed to be unfavorable to the interests of this country. The revoking of his commission, your Excellency will find in the annexed Documents, marked Nº 1 and Nº 2.[2] In the same manner was revoked a decree of election for a President of the Republic; by which election Walker had dreamed ascending to the Supreme Power, in violation of the provisions of the State Constitution, and by the enforcement of votes, which the free will of the Nicaraguans never would have cast for him. This revocation appears in the accompanying Document Nº 3.[3]

Notwithstanding said attempts, the Government used all the lenity and prudence, compatible with their dignity, to avoid any pretext of provocation, under which Walker might rise up against the lawful authority; but in spite of this moderate course of conduct; he could not abstain from consummating his treachery and achieving his usurpation. On the 20th of the last month, he resolved to send forth evidences of his audacity, by the publication, in contempt of the rights of this country and with no claim but that of force, of a Document, Nº 4,[1] in which he ignores this Government and

[1] A translation of this document is printed below, followed by the three, referred to further on in the note, as the 5th, 6th and 7th enclosures:

DOCUMENT Nº 4

I, William Walker, General in Chief of the Army of Nicaragua:

WHEREAS, by the Treaty of the 23d of October of the last year, D. Patricio Rivas was appointed Provisional President of the Republic, and that the power, with which he was invested, was but an incident of the powers conferred upon me, by the Supreme Government, as General of the Expedition:

WHEREAS, the Provisional President, at the time of transferring himself from the city of Granada to that of Leon, in March last, delegated, to me, all the powers, which had been entrusted to him, to maintain order in the Eastern and Southern Departments of the Republic and to watch, in its whole extent, over its security, guarding against foreign invasions and, in consequence, establishing martial law:

WHEREAS, The Provisional President appointed the Secretary of the Treasury, D. Fermin Ferrer, A Commissioner in said Departments, investing him with all his own powers to assist my administration on all proper occasions:

WHEREAS, D. Patricio Rivas, the Provisional President, betraying his trust, in a manner detrimental to the rights and welfare of the Republic, has clandestinely removed to Chinandega, for the purpose of dismantling all the frontier fortifications of the West and deliver the country to Carrera's forces, which are on the point of invading; and subserviently to which end he has commissioned Mr Mariano Salazar:

WHEREAS, on the 14th instant, Mr Rivas published a decree, issued by him, four days before, calling upon the people of Nicaragua to elect, by direct suffrage, the individual who is to succeed him in power:

WHEREAS, the Treaty of October 23d explicitly stipulated that both the contracting Generals guarantied the maintainance of peace and order over the Republic; whilst Mr Patricio Rivas is not only fomenting anarchy at home, but is also inviting invasion from enemies abroad: and lastly,

WHEREAS, the safety of the Republic is entrusted and that it is a sacred duty to save the Country from anarchy, and from its foreign and domestic, I have deemed it expedient to decree and I hereby

DECREE:

Art: 1st The Commissioner of the Government, Secretary of the Treasury D. Fermin Ferrer, is appointed Provisional President of the Republic, until the people shall have gone into an election, in conformity with the Decree of the 10th instant, which remains in full force in all its parts.

Art: 2d All the provisions, whether in the shape of decrees, decisions or orders, issued by D. Patricio Rivas from the 12st instant, thenceforward, are consequently declared to be null and of none effect; said Rivas having removed from the trust which was confided to him, in pursuance of the aforesaid treaty of the 23d of October.

Art: 3d All authorities, civil or Military, of the Republic, yielding obedience to Mr Rivas, as also all individuals, whether Native or foreign, furnishing him with any kind of assistance, whether by means of loans or by civil contracts, shall be held as traitors to the country and as such tried by Martial law.

Art: 4th This decree shall be communicated to all parties interested and solemnly

decrees, into a President of the Republic, Mr Fermin Ferrer, to use him as a blind instrument, the creature of his stupid caprice and to make show of the existence of an imaginary Government in this country, to the eyes of the civilized world.

DOCUMENT Nº 5

REPUBLIC OF NICARAGUA.
DEPARTMENT OF RELATIONS.

GOVERNMENT HOUSE, LEÓN, *June 26, 1856.*

To the Prefect of the Department of .....

The Supreme Executive Power has deemed it expedient to issue the following decree, through the Department of War.

The Provisional President of the Republic of Nicaragua to its inhabitants:

WHEREAS General William Walker has, since the 9th instant, given out his intention, in the most explicit manner, to the Executive Provisional Power, and in presence of the Secretary of War and others, of subverting the public Power by force; which intention, thus expressed, together with other serious incidents, induced the flight of the Government and its transfer to the City of Chinandega—a measure, which was adopted with the view, at all hazzard, of saving the dignity and sovereignty of the Republic and preserving the freedom necessary to meet the pestilent requirements of Mr Walker, looking to immense grants of land to foreigners, as a means to be used in the political and religious regenaration of Nicaragua, to the annulment of the election of the Supreme Authorities made by the people and to the investment, in his person, of indiscriminate power, with which he required to be entrusted for the purpose of raising means, even going so far as the confiscation of individual property and the sale and transfer thereof to foreigners; and also

WHEREAS, it is a notorious fact that said General is endeavoring to carry out such determination, *ipso facto* that he has repudiated the authority of the Government and raised D. Fermin Ferrer to the Presidency, without any authority but that of force and with the absurd and guilty intent of subjecting Nicaragua and the other States of Central America to his absolute dominion:

Therefore it has been deemed expedient to issue the following

DECREE:

Art: 1st Said General William Walker is hereby declared to be an enemy of Nicaragua, attainted of treason and he is, in consequence hereof, divested of the authority with which he had been honored by the Republic.

Art: 2d The Chiefs, Officers and troops, composing the American Legion, who, yielding honorable and dutiful submission to the Government of the Republic, shall disconnect themselves from said Mr Walker and present themselves to this Government, will be recognized in their service; their arrearages will be paid to them and, should they see fit, they may continue to reside in the Republic, in the character of Nicaraguans.

Art: 3d Those who, on the contrary, may continue under the orders and participate in the attempts of said Mr Walker, and those also, who may assist or abet him in any manner, directly or indirectly, whether they belong to the American Legion, or, unfortunately to the country, shall be tried as traitors to the Republic, in conformity with the Ordinance.

Art: 4th Every Nicaraguan, without any exception or privilege, from fifteen to sixty years, is required to take up arms against said Mr Walker and his followers; and also to serve the Government, by such employment as may be assigned to him, in defence of the liberty, the independence and the sovereignty of the Republic.

Given at León, June 25th 1856.

PARICIO RIVAS.

To the Secretary of War:

Communicated to you, for all necessary purposes; subscribing myself your Servant.

JEREZ.

DOCUMENT Nº 6

committed; desirous, on the contrary, of giving additional proof of his benevolence; the President

DECREES:

Art: 1st Those individuals, from among the Americans, who, leaving Mr Walker's ranks, may wish neither to remain in the country nor enter the service of the Government, shall be at liberty to depart, from the Republic, for any point, which they may select; and should they desire to do so, under conditions of greater security through the procurement of passports, such shall be granted to them.

Art: 2d The local authorities will extend every protection to those, who may abandon Mr Walker's ranks; whether they be on their way to present themselves to the Government or to emigrate to places beyond the Republic.

Art: 3d Those, who, leaving Mr Walker's ranks with arms and munitions, shall present themselves to the Government, as well as those, who may induce others so to leave said ranks, shall be awarded a recompense in proportion with their service.

Art: 4th This decree shall be held as supplementary to the decree of the 25th instant.

Given at León, June 28th 1856.

PATRICIO RIVAS.

To D. Máximo Jerez
Secretary of War.

In conformity. León June 4th 1856.

JEREZ.

DOCUMENT NO. 7

The Provisional President of the Republic of Nicaragua, to its inhabitants:

WHEREAS, the Supreme Government of the State of Salvador and that of this Republic did, under date of the 17th instant, enter into a convention of peace, the literal tenor of which is as follows:

"The Undersigned, Licenciate Gregorio Juarez and Licentiate Gregorio Arbizú, Commissioners, the former for the Provisional Government of Nicaragua, the latter for the Government of the Republic of Salvador, for the Adjustment of a convention, which may put an end to the calamities of a war, which threatens the conflagration of the Central American States, after examination and exchange of their respective powers, which were found to be in due form, stipulated the following:

Art: 1st The Provisional Government of Nicaragua binds and obliges itself, within a period of fifteen days, reckoned from the date of ratification of this treaty, to reduce its foreign forces to the number of two hundred men and not to increase them, here after, under any pretext whatsoever.

Art: 2d The Government of Salvador pledges itself to interpose its friendship and good offices, near the States of Guatemala, Honduras and Costa Rica, to the end that their forces shall not enter the territory of Nicaragua, nor carry on any hostile operations against its Government, pending the process of adjustment of this treaty and after the adjustment thereof.

Art: 3d It shall, however, be lawful for the vanguard of the allied Armies to remain on the frontiers of Nicaragua, for the purpose of conferring respectability and strength on the Government of that Government, for the better enforcement of this Convention.

Art: 4th The Government of Salvador recognizes Mr Rivas' government *de facto*, under the condition that said Mr Rivas shall, as soon as possible, procure a reorganization of the constitutional authorities of that Republic [Nicaragua], if it have not already been done; the Government of Salvador pledging itself, thereupon, to conclude, with the Constitutional Government, a perfect treaty of amity, alliance and commerce, upon such terms as shall have been agreed upon, in other treaties, with the most favored nations.

Art: 5th The Government of Salvador and the Provisional Government of Nicaragua bind themselves to furnish such auxiliary armed forces, as they may reciprocally require to give due effect to this Convention; the expenses of the Auxiliary force being at the cost of the Government, which may be thus assisted, and accruing, from the moment that such force shall tread the territory of the Government, applying for its assistance.

composing the foreign naturalized forces, as shall declare submission to the Supreme Authority and break their connection with that rebel chief. These measures are embodied in the 5th and 6th Document.

In this conjuncture the Government of Nicaragua is now concentrating its forces to make an example of the rebel and traitor, Walker, who, by his atrocious perfidy and grovelling Sentiments, has, to the detriment of the Republic, abused the trusts which it and its government had committed to his hands. In the support of this just cause—just equally for Nicaragua as for the whole of Central America, whose independence and rights are insulted and threatened by the usurper—the Provisional President relies upon the powerful and simultaneous co-operation of the other Governments of the Old Confederacy, as they constitute one single family, identified in their efforts to defend the general interest.

Such are the assurances, given to the Provisional Government, in virtue of the relations, which it has established with the governments of the other States, and which will, in a few days, eventuate in Solemn treaties, such as the one which, from the circumstance of more immediate neighborhood, has already been adjusted, with the Government of the Republic of Salvador, since the 17th of last month. This I enclose under Nº 7.

Art: 6th The Government of Nicaragua, forgetting the past, with respect to those Nicaraguans, who have not recognized its Authority and wishing that they should return to live in perfect concord with their fellow-citizens, spontaneously holds out the most efficient and trusty guaranties to all parties, whatever their opinions and political past may be, or may have been; and it will recognize the damages, which Democrats and Legitimists both may have suffered, decreeing the means, to indemnify them in a certain and efficacious manner, and restoring to them the existing portions of their property, which has been sequestrated, or, in any manner, confiscated; and all these under the guaranty of the Government of Salvador and of its allies.

Art: 7th The Government of Nicaragua pledges itself not to assail or attack the Republic of Costa Rica, nor the other Republics, in alliance with Salvador; but, in the contrary, that it will smooth the way to peace with the foresaid Republic, under the guaranty of the Government of Salvador and of the Government of Salvador and of its allies.

Art: 8th Both Governments recognize the right, each of the other, reciprocally to accredit Commissioners, whenever they shall deem it expedient for the purport of this, and of any other, conventions or treaties, which may be negotiated between them.

Art: 9th The ratification of the present convention shall take effect, within a period of twenty days, reckoned from the date when the exchange of the respective ratifications shall have taken place in this city, within the shortest possible period.

In faith whereof we have signed and sealed this fourfold, and of the same tenor, in Cajutepeque, on the seventeenth day of the month of June of the year of the Lord one thousand eight hundred and fifty six."

GREGORIO JUAREZ—GREGORIO ARBIZÚ.

Therefore, in the exercise of his power, he has proceeded to decree and he hereby

DECREES:

Art: 1st The foregoing Treaty is ratified in all its parts and it shall, accordingly, be observed as a law of the Republic.

Art: 2d The Commissioner of this Government, Licentiate D. Gregorio Juarez is authorized to make the exchange of ratifications, or to delegate his power, to that effect, to such person as he may deem fit and proper.

This, Mr Secretary, is a true statement of Affairs in Nicaragua; although it is well known that the enemies of her independence have scattered abroad false representations, invented by their iniquity, in the vain belief that they can thus abate the infamy, to which they are condemned by the civilisation of the age. With the views thus set forth, the Provisional Government of this Republic, sincerely trusting in the enlightened principles of justice, professed by the Cabinet of Washington, which has already given so many proofs of its disposition to co-operate in behalf of the independence of this country, and relying also on the interest and zeal with which it has cultivated friendly relations and sympathies, in the name of Nicaragua, with the whole of the American Nation; the Provisional Government, I say, has instructed me to make, to your Excellency, the present statement of what has taken place in this Republic; which statement has also been addressed to the Minister, priest Don Agustin Vijil, in order that you may be pleased to bring it to the Knowledge of the President of the United States. He, it is confidently hoped, will be pleased to take such measures as will prevent the conveyance, into Nicaragua, of reinforcements in men, arms and other appliances, which Walker and his abettors intend to introduce in support of their rash intents; whilst, at the same time, his co-operation, within the reach of the powerful means under his control, is invoked in behalf of the cause of Nicaragua and of the whole of Central America, which the claims of justice commend to the interest of all civilized nations.

In connection with this, I transmit to you, under Nº 8,[1] the decree by which my Government has suspended the colonisation, which, under other circumstances, it had invited to the country.

I avail myself of this opportunity [etc.].

1349

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [2]

[EXTRACT]

No. 60 GRANADA, *July 15, 1856.*

SIR: I have received your Despatch Nº 24.[3] informing me that the President has determined to recognize the existing Government of the State of Nicaragua and directs me to notify the President of Nicaragua, that I am instructed to establish diplomatic relations with this State.

Accordingly, in reply to a note of the Minister General of date the 14th

inst. informing me, that the decree of the Supreme Government of this State, had repealed the decree of the 22d of January last, suspending diplomatic relations with our Government (enclosed is a copy marked A) [1], I advised him of the above determination of the President, and requested him to communicate the same to the President of the Republic of Nicaragua, and inform him that I was ready to establish diplomatic relations; and for him to designate a time when I could have an audience for this purpose with the President.

In his reply dated 14th ins^{t}. (copy enclosed marked B) [2] he has designated Saturday the 19th ins^{t} at 12 o'clock.m. for this purpose.

In the same despatch I am directed, further, by the President to ascertain the facts and circumstances of the interruption of the transit through this State across the Isthmus.

I shall lose no time in ascertaining these facts and circumstances, and reporting to my Government.[3] . . .

I have the honor [etc.].

[1] Not included in this publication; its purport is adequately explained. [2] *Ibid.*

[3] The following text of Walker's inaugural address enclosed with this despatch is the major portion of a printed supplement to *El Nicaraguense* entitled "Inauguration of Wm. Walker as President":

INAUGURAL ADDRESS

In assuming the duties of the Presidency of the Republic, I feel deeply the difficulties and responsibilities which the office involves. The State is menaced by dangers from without and within, and there is need of sleepless vigilance and untiring energy to preserve the Government from the enemies which threaten it. In order, therefore, to administer properly the affairs of the Republic, I require all the assistance I can derive from the patriotism of its citizens, and from the skill courage and self-restraint of its soldiers. On them and on the Divine Power which controls and directs the course of States and Empires, I rely for assistance in the proper discharge of the duties I this day assume.

The Republic has reached an era in its history not second in importance to the day of her independence from the Spanish monarchy. The 15th of September, 1821, was the opening of the revolutionary epoch of Nicaragua. I hope this day may be its close. The struggles of thirty-five years have, it is to be hoped, taught the people that liberty is not to be obtained amidst the petty feuds of contending chieftains, and that prosperity does not result from a constant state of civil broils and intestine commotions. After a long series of bloody conflicts, the Republic has need of internal peace and quiet for the development of its varied resources. I sincerely trust that all good citizens will assist me in the maintenance of that order which is the first requisite of a well-governed State, and without which all national development or individual welfare is impossible.

Not only is internal order required for the advancement of material wealth and prosperity, but also for the proper defence of the Republic from the external enemies which threaten its repose. The other four States of Central America, without reason and without justice, have undertaken to interfere in the domestic affairs of Nicaragua. Conscious of their own weakness, and fearful lest the prosperity of Nicaragua should detract from their wealth, these neighboring States are enviously endeavoring to interrupt our progress by force of arms. The imbecile rulers of these States, too, feeling that they have failed to perform their duties to the people they undertake to govern, dread lest their impoverished countrymen may finally fly for refuge to those who have redeemed Nicaragua from anarchy and ruin. Moved by such ignoble sentiments, these

John L. Richmond, Undersecretary of State of Nicaragua, to John H. Wheeler, United States Minister Resident in Nicaragua [1]

C GRANADA, *July 22, 1856.*

The undersigned, under Secretary of State for the Republic of Nicaragua, has the honor to acknowledge the receipt of Despatch No. 26 from the Honorable Mr. Wheeler,[2] Minister of the United States of America.

Enclosed herewith the Minister of the United States will please find the discharges asked for.

In relation to the proceedings had with the late Accessory Transit Company, the undersigned is instructed to reply that the President is pleased to have this opportunity of explaining the facts and circumstances which led to the recent action of this Government. It is satisfactory to be able to correct the misrepresentations of interested parties who as appears from some documents accompanying the message of the President of the United States sent to Congress on the 15th of May last, have not scrupled for their own unworthy purposes to attempt to deceive the Hon. Secretary of State and other persons connected with the United States Government. When the history of the late Company is fairly placed before the President of the United States, the undersigned feels assured that he will not fail to perceive the spirit of equity and justice which has controlled the conduct of the Government of Nicaragua.

In our relations with the more powerful nations of the world, I hope they may be led to perceive that although Nicaragua may be comparatively weak, she is yet jealous of her honor and determines to maintain the dignity of her independent sovereignity. Her geographical position and commercial advantages may attract the cupidity of other governments, either neighboring or distant; but, I trust, they may yet learn that Nicaragua claims to control her own destiny, and does not require other nationalities to make treaties concerning her territory without asking her advice and consent. While pursuing a course of strict justice towards foreign citizens and foreign governments, we only ask that the same equity may be granted to ourselves.

The principles which shall guide me in the administration both of the foreign and domestic affairs of the government are few and simple. To allow the utmost liberty of speech and action compatible with order and good government, shall be the leading idea of my political conduct. Therefore, the greatest possible freedom of trade will be established, with the view of making Nicaragua what Nature intended her to be—the highway for commerce between two oceans. And with this freedom of trade will come the arts of a civilization which grows and increases by the wants and necessities itself creates. While facilitating as far as possible the material development of the State I shall not be unmindful of its intellectual and moral requirements. To promote the proper education of the people, and to encourage them in the practices of that Divine religion which constitutes the basis of all modern civilization, shall be objects of primary importance. And for carrying out these intentions with success, I humbly invoke the aid of Him, without whose assistance all human exertions are but as bubble on a stormy sea.

[1] Despatches, Nicaragua, vol. 2, enclosure C with Wheeler to the Secretary of State, No. 63, August 2, 1856, below, this part, doc. 1353. The enclosures 1, 2, and 3 were not

It is hardly necessary to remind the Honorable Minister of the United States of the fact that the late Accessory Transit Company was chartered "with the sole object of facilitating the construction of the maritime canal" in accordance with the contract entered into on the 27th of August 1849 between the Supreme Director of the State of Nicaragua and the "American Atlantic and Pacific Ship Canal Company." The undersigned begs to call the attention of the Honorable Minister of the United States to the peculiar phraseology of the Charter by which its "sole object" is determined; because if the Accessory Company have failed to use the charter for the "sole object" of the grant then it is manifest that the privileges therein contained are forfeited.

The American Atlantic and Pacific Ship Canal Company was chartered for several purposes. It obtained the privilege of building a ship canal across the territory of this Republic on certain terms and conditions; but if it found the ship canal impracticable, it might fulfill the contract by constructing a rail-road or rail and carriage road and water communication between the two oceans— The Accessory Transit Company differed from the Ship Canal Company in having only one object; and that object was to facilitate the construction of the Ship Canal—

The President of the late Accessory Company in a letter to the Honorable Mr Marcy dated March 26th 1856 declares that "a Ship Canal of the requisite depth was found to be impracticable." If this assertion of the Company's President be correct, it is clear that the "sole object" of the charter cannot be attained, and therefore that all privileges granted under it are forfeited by acknowledged inability to perform the conditions of the grant. But as if further to justify the course the Government has pursued, the President of the Company says in the same letter:

> The Accessory Transit Company is an association composed of American Citizens whose principal business is that of common carriers of passengers and freight from New York to California. For convenience of transit across the isthmus the company found it necessary to obtain a charter and acts of incorporation from the State of Nicaragua.

If the principal business of the Company was as thus stated—and there can be no doubt of the fact—then the privileges of the Charter were diverted from the "sole object" of the grant to another and entirely different purpose. It is an unhappy admission for the Accessory Company to say that it obtained its charter merely "for convenience of transit across the isthmus." The Republic had no such objects when it granted the act of incorporation. This perversion of the privileges of the Company to a purpose almost purely selfish and but little connected with the interests of the Republic would of

shall "receive ten per cent of the net profits, without any deduction of interest, of any route which the Company may establish between the two oceans, whether it be by railroad or carriage road, or by any other means of communication, during twelve years herein granted for the construction of said canal."

The Report of the Commissioners appointed under Decree of this Government dated 18th February 1856—a copy of which Report marked No. 1, is herewith enclosed—fully shows the indebtedness which has accrued under the above cited Article. Notwithstanding the large amount due the Republic, the Company not only persisted in its refusal to come to an account with the Government; but as the testimony before the Commission fully establishes it maintained a system of deep and deliberate fraud for the purpose of eluding the payment of its just liabilities. The testimony of the Agents of the Company shows that their books were kept in such a way as to prevent the State from arriving at a correct knowledge of the net profits and with a view of making the gains of the company appear less than they really were.

But it may be urged that although the company was deeply indebted to the Government and was fraudulently endeavoring to deprive the State of its just rights, still the controversy was to be settled by reference to five Commissioners chosen under the thirty-third Article of the Charter—

For some time past the State has been endeavoring to settle with the Company by means of Commissioners. The Government of Estrada in June 1855, appointed Messrs Tejada and Lacayo to visit New York for the purpose of a settlement; and in the month of July the Government of Castellon, appointed General, then Colonel, William Walker with similar objects. At the same time the Government of Leon notified the Agents of the Company that it would consider any settlement made with Messrs Tejada and Lecayo [Lacayo?] as null and void.

Messrs Tejada & Lacayo went to New York and presented their powers to the Agents of the Company. Their correspondence with the Government of Granada shows, however, that they found the Company indisposed to settle. Colonel Walker, early in September last, presented his credentials to the Agent in Virgin Bay who informed him that he had sent a copy of the powers to the President in New York. No steps were, however, taken to arrange any settlement with the Company at that time.

Soon after the late Provisional Government was organized in November last, the Minister of Hacienda sent a formal notice to the President of the Company peremptorily requiring him to appoint Commissioners to settle the matter in controversy with the Government. To this the President replied

which are herewith enclosed marked Nos. 2, 3.

It is impossible not to be struck with the evasive nature of the reply made to the Minister of Hacienda. It is stated that the matter has passed out of the hands of the Company inasmuch as they had appointed two commissioners to act in conjunction with two others appointed by Messrs Tejada & Lacayo. Now it is clear that these four had no power to act under the thirty-third Article before a fifth was appointed; and the Company has never asserted or pretended that a fifth was appointed before the powers of Tejada & Lacayo were formally revoked. Hence it was a mere subterfuge for the Company to refuse to comply with the explicit demand of the Minister of Hacienda.

But the opinion of the Counsel of the Company and the action of the President based upon it were more than a subterfuge. They were a direct indignity to the Government of Leon, under whose auspices chiefly the late Provisional Government was formed; for they entirely ignored the protest made by the Director Castellon against the appointment of Tejada and Lecayo, and recognized these latter as the duly and only constituted Agents of the Republic. As the Government formed under the treaty of 23d Octover 1855 was instituted for the purposes of peace between the old parties, it could not fail to be surprised and startled at the insolence of a corporation which attempted to reopen the old wounds by persisting in treating the Government of Estrada as the only legitimate one prior to the inauguration of President Rivas.

The tone of contempt for the will of the Republic of Nicaragua which pervades the letter of the counsel of the Company is a fair specimen of the manner in which this Corporation has always treated the Government. The uniform policy of the Company has been to encourage first one party and then another in the State, thus keeping the Republic in turmoil and without authorities powerful enough to enforce its claims against its debtors. In the same spirit the Counsel of the Company, after the notification of the Minister of Hacienda, continued to threaten the Government that if the State would not settle on terms acceptable to them, they would break up the Transit and take the steamers from the lake & river. Under such circumstances and with such threats nothing remained but to dissolve the Company and place its property in the hands of a Receiver for the payment of its just liabilities— This was done by Decree dated 18th February 1856.

In dissolving the Company the State was careful not to take any unfair advantage of the faithless and criminal acts of the Company— A Board of Commissioners was appointed to take charge of the property siezed, to cite the Company through its Agents to appear and answer to the charges made by the State and to give these Agents the privilege of cross-examining and

tion. Provision was made for preventing any interruption in the transit, and as far as possible the interests of innocent parties were carefully secured.

Far from appearing before the Board of Commissioners to answer to the claims of the Government, the Accessory Transit Company has persisted in its old hostility to the establishment of peace and order on the isthmus. Its Officers and Agents have constantly strove to depreciate the Government, misrepresenting its acts and calumniating its intentions. Herewith enclosed the Honorable Minister of the United States will please find a letter of instructions, marked No. 4 [1] written by the Vice President of the Company to its Agent at Punta Arenas and plainly manifesting the spirit and designs of the Corporation. This letter attempts to represent the Officers and Agents of this Government as engaged in piratical enterprises and seeks to stimulate a British naval officer to interfere with the American flag for the purpose of carrying out the views of a commercial company.

Whether judged by the strict letter of the law—the written charter—or by an enlarged equity which leads a State to be lenient to a corporation it has created when it endeavors to comply with its engagements, the Accessory Transit Company deserved to be dissolved. And the undersigned is satisfied that the more thoroughly the matter is examined and the more fully the facts are known and investigated, the more entirely will the Honorable Minister of the United States be convinced of the justice of the course pursued by this Republic—

The undersigned [etc.].

1351

Patricio Rivas, President of Nicaragua, to Franklin Pierce, President of the United States [2]

LEÓN, *July 24, 1856.*

GREAT and GOOD FRIEND: Anxious to maintain, with your Government, the friendly relations, which the people of Nicaragua is called on to foster, in regard of the great Republic of the North, over the destinies of which Your Excellency now presides; I have deemed it proper to accredit, in the capacity of Minister Plenipotentiary and Envoy Extraordinary to Your Excellency's government, Mr Antonio José de Yrrisarri [Irisarri], who commends himself to my entire confidence, by his familiarity with public affairs and the patriotic sentiments which he entertains. And this, in order that, in such capacity, he may negotiate, with your Excellency's government, treaties of alliance, amity and commerce and devote his attention to such other objects as come within the scope of his mission.

Envoy Extraordinary with a friendly welcome and give full faith and credence to whatever he may submit in his official character.

I beg Your Excellency to accept my wishes for your happiness and for the prosperity both of yourself and of the great people, whom you are called to govern.

Given, in the City of Leon, at the Government House, on the twenty fourth day of July, in the year of the Lord, one thousand eight hundred and fifty six.

PATRICIO RIVAS.

The Minister of War, incidentally in charge of the Department of Foreign Relations.

MAXIMO JEREZ.

1352

Sebastián Salinas, Minister of Foreign Affairs of Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

LEÓN, *August 1, 1856.*

SIR: Number 36 of the "Nicaraguense," of the 12th of July, publishes a list of votes, fabricated, in Granada, by the adventurer Walker, assisted by two or three unnatural Sons of Nicaragua, to bear out his claim to the Presidency. Under the pretext of so solemn an imposture, he claims for himself fifteen thousand eight hundred and thirty five votes; but in the absence of statistical facts, he does not lay down all the populations of the Republic; he presupposes others and makes an exhibit of hundreds of voters, where there are not tens of inhabitants. Besides this, he has never exercised any power in the Departments of Matagolpa and Segovia. In the Department of Leon he has been cut off from such power, since the 11th of June last; whilst the people have not there been called to the exercise of the elective franchise.

The whole list is but one tissue of imposture and fraud; but as so bare-faced a proceeding may meet with credence abroad, I am directed by my Government to communicate the fact to yours so that it may learn that the acts herein referred to are mere fictions. In so doing, I have the honor [etc.].

[1] Notes from Central America, vol. 2.

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

No. 63 GRANADA, *August 2, 1856.*

SIR: In your Despatch No. 24,[2] by direction of the President, I am "instructed to ascertain the facts and circumstances as to the interuption of the Transit of the Isthmus through Nicaragua."

A contract was executed at Leon on 27th August 1849 by David L. White, and the Commissioners of the State of Nicaragua, forming the American and Ship Canal Company; which company was composed of Cornelius Vanderbilt, Joseph L. White, and Nathaniel H. Wolfe "being always citizens of the United States."

This contract was ratified by the Legislature of Nicaragua on 22d day of September 1849 for the purpose of "facilitating the transit across the Isthmus of Nicaragua from the Atlantic to the Pacific Oceans by means of a ship canal or rail road."

By the V article, this Company agreed to pay to the State of Nicaragua Ten Thousand dollars in New York, as soon as the contract was ratified by Nicaragua, and Ten Thousand dollars in each year thereafter until "the Canal" was completed; also to deliver Two Hundred Thousand dollars of Stock.

By the VI Article, the Company was to pay to the State twenty per cent out of the net profits for the first twenty years after the Canal shall be put in use; and twenty five per cent for each year thereafter, deducting the intrest of the capital employed.

The State was to receive ten per cent on the net profits without any deduction on any route, whether by rail carriage or any other mode.

By the VIII Article an annual Report was to be made by the Company to the State, setting forth the receipts and expenses.

By the X Article, Surveys were to commence within twelve months from the ratification of the Contract, and "the Canal" completed within twelve years.

The XXIst Article stipulates that all the vessels and other property of the Company shall be free from all duties or taxes; and secured from all interuption or detention on the part of the State.

By the XXII'd article a list of the vessels, employed by the Company shall be annually rendered to the State.

By the XXIII'd Article all disputes shall be determined by Five Commissioners "whose decision shall be final."

On the 14th of August 1851 the government of Nicaragua and the Company seperated this Contract, and "the Accessory Transit Company" was formed, with the sole object of facilitating the construction of the maritime "Canal". The obligations imposed by the Charter of the 22d Sept. 1849 were declared of full force.

The interprize of American citizens, stimulated by these charters, put into operation without the aid of their own or any other Government, a work which involved the outlay of a large amount of money, and the constant exercise of industry, energy, and talents.

The first trip was made through this Isthmus on the first of August 1852; and since that time until the 18th of Feby. 1856 (the date of the decree annulling these charters) has been in active operation, conveying millions of treasure, and thousands of passengers.

These contracts in their construction gave rise to frequent difficulties, between the Company and the State of Nicaragua. As early as 1854 you instructed Mr. Borland (my immediate predecessor) in despatch Nº 10[1] "to use his best efforts to secure for the Transit Company the free and full exercise of all the rights and priviledges of their charter".

Mr. Borland attempted in vain, to reconcile these difficulties. Who was in fault, I am not instructed to enquire; but to "ascertain the facts and circumstances of the interuption of the Transit."

It is a fact, that to this date no "ship Canal from the Port of Saint John of Nicaragua to the Port of Realejo, has been constructed. On the contrary, it has been declared, by the President of the Company, to be impracticable.

It is equally true, that the period of Twelve years allowed by the Contract, has not expired.

A Rail Road has been constructed around the Castillo Rapids Five Hundred yards long, and a macadamized Road from Virgin Bay to San Juan del Sur has been made, twelve miles, on which carriages now run.

It is a fact, that the company have paid annually the sum of Ten Thousand dollars to the State from 1849 to 1854, inclusive, as stipulated in the VI article of the Contract of 1849. But it is not a fact, that the ten per cent on the net profits have been paid, nor the amounts (of Ten Thousand dollars) due for 1855 and a similar amount for 1856. The first sum, as appears by the statement of Mr. Vanderbilt, President of the Company was ready to be paid; but the Company as he alledges, was enjoined by a Court of Law in New York from the payment, at the suit of Messrs Manning and Glenton, English Merchants, residing in Leon, to whom he asserts, the assets had been assigned. The circumstances of the case would justify the beleif that if such a suit had *bona fide*, been instituted, a Court of Law would examine well the

hypothecated, and were to remain pledged for the payment of the same—and that the rents or amount to be paid by the Company to the State were guarenteed as security for the debt. But as no record of the case is before me I can only conjecture the grounds of complaint, and the *status* of the case. If the suit was commenced before the time at which the debt was due (to wit, 1st. July 1855) an action at Law could not lie; nor is the equity of the case perceived unless fraud or wasting of assets were averred; Nor can it be seen how a Sovereign State can be made a party to a suit in any State Court of the United States, or be affected by its decisions, especially when the plaintiffs are not citizens of the United States; it would be improper to decide such a case without making the Republic of Nicaragua a party, since her rights and intrests are materially to be affected by its consequences. Doubtless these circumstances afforded a convenient sheild for the Transit Company to ward off, the demands of the State, and procrastinate the liquidation of accounts.

It is undoubtedly the intrest as well as the duty of Nicaragua to liquidate this debt of Messrs Manning and Glenton, so large an amount (One Hundred and Sixty Four thousand Dollars with intrest from 1 July 1855) at its ruinous rates of Intrest; (One and one half of one per cent a month). It may have been the object of the authorities of the State in insisting so repeatedly and earnestly a settlement of the debts due by the Transit Company, in order to husband their resources, and liquidate at an early day the debt due Messrs Manning and Glenton. It, too, may be the intrest of these creditors (having their debt amply secured and drawing such ample intrest) to avail themselves of "the Law's delay" or any other shift or device, in collusion, with the Officers of the late Company to protract without day [*sic*], the final settlement of their debt.

The fact that the Accessory Transit Company did on the 5th of July 1855 send out a body of Men, enlisted in New York, officered, armed and uniformed, paid in advance by the Company, and grants of Land, promised to them by Don Josè [José] de Marcoleta the Nicaraguan Minister of the Legitimist Party, and that some of these did enlist and serve in the Army, may have influenced in some degree the course of the present Authorities of Nicaragua.

The facts of this transaction, was as instructed by the Department, laid before my Government in my Despatch N° 23.

It is true that by the Charter all disputes between the State and the Company were to be settled by Commissioners. Other modes had been attempted, but all means were unsuccessful.

At one time Mr. Manning the Vice Consul of Great Britain was selected; at

finally the latter, a native of New Granada, but a citizen of New York, was on the 9th June 1855 appointed with Don Gabriel Lacayo, (late Minister of the Hacienda) a wealthy and influential citizen of Granada, with full powers to settle and compromise all difficulties between the parties. These Commissioners went by invitation to New York; and their repeated solicitations for a settlement were unheeded.

Finally on the 2d August 1855 they offered to commute the ten per cent due and duable for a round sum of Forty Thousand Dollars, "deducting from the sum what the Company had already paid" and Thirty Thousand dollars for the first year, and Thirty Thousand for the second year; and after the two years, two dollars for each Adult, and one dollar for each child passenger.

If this proposition is understood correctly by this Legation, it seems that it is fair and liberal.

The whole amount to be paid was.....	$100,000
Deducting sums paid.....	$60,000
leaves to be paid.....	$40,000

Thirty Thousand dollars of which was to be paid at Granada monthly in instalments.

The capitation amount was to be paid in Nicaragua money which at the time would have been 25 per cent., in favour of the Company.

To these offers to settle, so pressingly urged, no satisfactory reply was given.

The divine injunction, was never [the?] less heeded, "Agreed with thine adversary quickly, while thou art in the way with him." Circumstances soon changed. On the 13th day of Octr. 1855 the Democratic Party took the Capital of Nicaragua—the late Government fled—a new Dynasty arose—which held undisputed possession and rule of the whole Republic. The powers granted to Messrs Tejada and Lacayo were revoked, or were so considered by the Company themselves by this change of Rulers (see testimony of Mr. Lacayo herewith transmitted; A).[1] The new Government through its lawful and appropriate functionary (the Minister of the Hacienda) on the 12th of Novr demanded "an immediate settlement". Again through its Minister Plenopotentiary, the demand was repeated in December. Confidentially I advised you in my Despatch No. 32 dated 15 Decr 1855[2] that from expressions I had learned from high quarters, that I beleived, it was the intention of this Government soon to institute an enquiry by what warrant the Accessory Transit Company held their charter, and that it might result, in

to which I am now replying.

It will be seen (Ex. Doc. no. 68. page 64.) that on the 23d Oct 1855 the Commissioners from Nicaragua declined the overture of the company made by Mr. White.

The document does not show what this proposition was; but the testimony of Mr Lacayo (herewith appended A) [2] informs us; and proves that the proposition was, that the State of Nicaragua should amend the contract in the second and thirtieth articles, and the Company would pay to 1857 the sum of Eighty Thousand dollars, and after 1857 the sum of Twenty five annually Thousand dollars; or one dollar on each passenger, as the Company might prefer.

This proposition proves two things. That the Company considered the obligations involved in the Second and Thirtieth Articles (the construction of a Canal whose dimensions shall be large enough for all vessels of all sizes; in case that this is impracticable, to construct a Rail Road, or Rail and carriage Road) were of full and binding force; and that there was a large sum due by the Company to the State of Nicaragua at the time the offer was made.

On the 14th day of Novr last, a month and a day after the capitulation of this city, and the Company in New York in full knowledge of the real condition of affairs here; and after their Officers had declared that the powers of the Commissioners had been revoked, they became suddenly impressed with the immediate importance of a settlement; and gravely propose to refer the matters in dispute to Nathaniel H. Wolfe, one of the grantees of the Charter, and to Francis B. Cutting; when they had previously declared and beleived that the powers of the Nicaragua Commissioners had been exhausted that they were *functi officio;* and had no power to liquidate, compromise, or refer.

These facts, dates and circumstances, prove the sincerity avowed by Mr. Vanderbilt in his letter to you of 26th of March last,[3] of the desire of the Company to settle; and of the probability that the fact is mistated, when he asserts that "when the accounts are adjusted, a balance will be found due to the Company".

From these facts it may be judged, if the Company has been always ready to do justice as it has been importunate to demand the interposition of our Government.

When a Party goes into Court claiming justice, they should show, that they go with clean hands themselves.

The fact is true that the Decree of the Government of Nicaragua of the 18th of Feby last, was not intended to distroy or even interupt the transit over the Isthmus—nor was this a necessary consequince. This would have been an act of fatuity and political suicide.

easy to be complied with by individuals; much easier by a Company opulent as is the Accessory Transit Company, had such been their pleasure.

The circumstances of the whole transaction prove that the object of the Government of Nicaragua was to enforce an observance by the Company of their plighted obligations, and a fulfilment of their Contracts.

Had the President of the Company, or any Agent appeared, as they were summoned to do, "defended the intrests of their Principals", and faithfully adjusted their accounts, the decree might have been modified, or repealed, the matters compromised; and this Transit so important to the maritime intrests of the world, and so vital to our own country would have received no delay, detriment, or suspension.

It seemed wise to follow other promptings. Other feelings were cherished, then a disposition "to render unto Caesar, the things which are Caesar's". An Agent is sent to this country, by the Company; not bearing an Olive Branch of Peace, or propositions of compromise; but with instructions to employ force, and that of a foreign power, never over partial to American interprize or American success. Had this mission been successful, and this force applied, its consequences might have been to involve two of the most powerful Nations on earth in flagrant hostilities. A copy of these Instructions, from Mr. Lord to (his Agent) Mr Birdsall is herewith filed; (marked B).[1]

Authorized and true to these instructions this Agent, did apply to the Officer in command of Her Britanic Majesty's Frigate Eurydice, who at the request of said Agent did board at midnight of the 16th of April last, the American Steam Packet Orizaba, owned in New York, and duly registered, examined the way bill of the Passengers, and directed the Captain to take said passengers (being many of them American citizens *en route* to California)

[1] Its text, copied from the enclosure with this despatch, follows:

Thomas Lord, Vice-President of the Accessory Transit Company of Nicaragua, to Hosea Birdsall

NEW YORK, *April 8, 1856.*

SIR: In addition to the instructions given to you with reference to the Company's property, I have further to add that if the Walker fillibusters attempt to employ force to rescue the boat from your possession, you are authorized to ask for the assistance of the Commander of any Man of War of her Brittanic Majesty's Navy in the Port of San Juan to prevent such rescue.

The object of the Transit Company is to prevent accessions of Fillibusters to Walker's force; pending his hostilities with Costa Rica, and to effect this purpose no pains must be spared, or effort left untried.

Should an American Man of War have reached the Port with instructions, an application to any of Her Majesty's Officers will be unnecessary.

Unless our Boats are seized by the Fillibusters on the Orizaba and the Charles Morgan, they cannot get into the Interior—and without large accessions Walker must fail, and Costa Rica be saved.

To this result, her Majesty's Officers in San Juan can materially contribute by protecting American Property in the manner indicated.

Yours truly.

of said passengers. . . .[1]

From a sense of public duty, I repaired forthwith to San Juan del Norte, to make an investigation as to the facts of this affair. The result was reported to you in my Despatch No. 52.[2]

This act caused by these instructions from this Company, very naturally excited enquiry on the part of our Government— The flag Ship of the Home Squadron, was promptly despatched, and Com^r Paulding made enquiry into this matter.

Had I been at this point, at that time Her Britanic Majesty's cannon might have sunk the Orizaba, before an insult should have been offered to our flag, or the opinion for a moment entertained that this flag does not afford "an inviolable panoply for the security of an American citizen and that no rude hand of power or tyrannical passion can be laid on him with impunity" and wherever American interprize may rightfully seek a field for its operations, no power on earth, should be allowed to inquire into, or stop its progress.

This Company by this one act alone, are culpable of the very charge made by its present President, against its late administration of the Company; taking part in the intestine wars that have so long devasted this beautiful country, and deluged [it] in blood. The avowed purpose was to prevent accessions to the forces of Nicaragua and "save Costa Rica",—whose hands were then reeking with the blood of innocent Americans murdered at Virgin Bay by the regular forces of that power under the immediate command of the President.

In this communication, it is needless for me to refer the attention of the Department to the fact that the Accessory Transit Company have defied any interference of the United States in any way with their course or conduct. The letter of the distinguished Counsel of the Company to the U. S. District Attorney of New York dated 22d Decr 1855, boldly declares "The Transit Company to be a corporate body, created by the Laws of Nicaragua—that the conduct and course of the Company will never be influenced in any degree, by the course and conduct of the United States."

As they have made their bed, so they must lie.

It is difficult to perceive upon what principle of National or Municipal Law, or after this solemn declaration of independence of all influence of our Government, that aid is now supplicated, or just reclamations can be made either on our own Government or that of the Republic of Nicaragua.

That the Government of Nicaragua did make a grant of important franchises to this Corporation, is a fact—that as an equivalent, certain amounts of Money were to be paid to the State, and certain duties were to be per-

formed by this Corporation, is equally true, whether these sums have been paid, or these duties have been performed, must be judged by the facts and circumstances herein detailed.

The testimony of Hon. Gabriel Lacayo (hereunto appended) [1] who had full powers to arrange all the disputes, proves that all efforts on his part and that of his colleague, Mr. Tejada, were unavailing to procure a settlement—that the obligation to construct the Canal or Rail Road from the Atlantic to the Pacific Ocean was in full force, and binding, or else the Agent, astute as he is and shrewd in matters of this kind had never desired the alteration of the Contract in the points suggested by him; that the Company did justly owe large sums to the State was acknowledged, else this same Agent had never offered the heavy amounts he did.

Aware that it was alike due to the investigation of truth for my own Government, as it was to the national dignity of this Republic, to obtain all the information that the archives of this State afforded; I applied to the Hon. Secretary of State of Nicaragua for any evidence or information that might be in the possession of his Government touching th's matter.

His reply is accompanied marked C,[2] with its enclosures Nos. 1, 2, 3 and 4.

It appears from the Report of the Appraisers appointed by the Board of Commissioners to value the property on this Isthmus belonging to the late Transit Company seized by s^d^ Commissioners was One Hundred and Sixty One Thousand One Hundred and Twenty Nine dollars and Five cents, (161.129\frac{5}{100}$)— The Board of Commissioners, from the data which they could procure, but which they allow was procured with disadvantages, and only approximating to accuracy, state the amounts due the State from the Company to be Four Hundred and Twelve Thousand Five Hundred and Eighty nine dollars and Twelve cents (412589\frac{12}{100}$). This statement leaves the Company still in the debt of the State, Two Hundred and Fifty One Thousand, Four Hundred and Sixty dollars and Seven cents ($251.460.$\frac{07}{100}$).

From the Report of these Commissioners it appears that they did notify the President of the Company in New York, as well as the Agents on the Isthmus to appear, replevy plead, and "defend this wrong" as well as "the intrests of their principals"—that ample time was given for this purpose—that no reply was made, and no one appeared—that the accounts of the Company were kept in such a manner that no estimate could be formed of the net profits on this Isthmus—thus proving a studied and continued determination to prevent an accurate investigation—that no returns were made of the Receipts and Expenses of the Company on this Isthmus, or any list of the Vessels employed on the Route both of which it was the chartered duty

appear also in the Statement of Capt. Scott (herewith filed, marked D).[1]

This Report further shows that the number of passengers averaged about Two Thousand a month; or Twenty four Thousand annually—that Eleven millions of dollars in Treasure annually passed over, and Seven Hundred and twenty thousand pounds of freight. These do not include the number of Way Passengers or amounts received from such for way Passage, which was testified to as being sufficient in some places and at some periods to pay all expenses of the Agencies, even with the large salaries which were attached.

I have thus endeavoured as concisely as my time would allow, and as succinctly as the importance of the questions involved would admit "to ascertain the facts and circumstances of the interuption of the transit across this Isthmus and report the same to my Government."

I have the honor [etc.].

1354

John P. Heiss, Nicaraguan Minister to the United States, to William L. Marcy Secretary of State of the United States [2]

NEW YORK, *August 3, 1856.*

SIR: On the 15 ult. I recieved a communication from the Provisional Government of Nicaragua, under date of June 29th which informed me that a despatch had been forwarded to the Legation through the hand of Genl Goicouria, wherein an exact account of the recent events in Nicaragua, and the reasons which caused the change of the Provisional Administration of Senor Patrico Rivas, were given. On the arrival of Genl Goicouria, in this city I was informed, that the despatch in question had been placed in his possession, but that he had delivered the same to his Excellency, Senor Agustin Vijil, at San Juan de Nicaragua, under the impression that it was a private communication.

This accounts for the delay in not transmitting to your Excellency, at an earlier day, the information herein contained. The history of the recent troubles in Nicaragua is as follows:

The elections which had been held throughout the Republic for President were anulled by a decree of the Government, and an order issued, that the decision should be submitted to a direct popular vote. After this order had been promulgated, Genl Wm Walker visited Leon, the seat of Government, and on the 11th of June, having had a friendly interview with President Rivas and his Cabinet, he departed for Granada. Leon, at this time was guarded by native soldiers: there was no interference by the Americans,

[1] Not included in this publication; it is an affidavit made before Mr. Wheeler by Scott, the

their own vicinity.

The day following the departure of Genl Walker, from Leon, the commander of the native garrison requested a detail of Americans for guard duty, on the ground, that the native forces were not in sufficient strength for that purpose. The request was complied with, and an American soldier posted on duty as sentinel to the entrance of the Government House. This was the signal for a revolutionary movement, and Senor Salizar, Minister of War, thereupon mounted his horse and rode to the barriers where he addressed the Natives in an official harrangue, intimating that the Americans had siezed the Government House; were about to murder the President and his Cabinet, burn the churches and destroy the religion of the county [country?].

The result of this caused considerable excitement, during which, Senor Rivas, and a portion of his Cabinet, consisting of Don Sebastian Salinas, Secy of State: Don Maximo Jerez, Secy of War: Don Francesca Baca, Minister of Public Credit, departed for Chinendega.

From Chinendega Don Maximo Jerez, in his capacity as Minister of War, sent word to Realejo, to suspend the public work of fortifying that place and directed that it should be dismantled of its present armament. Orders were also sent to the commander of the American troops at Leon, to withdraw his sentry from the Government House and allow each of the two towers of the Cathedral, to be garrisoned by fifty Native soldiers. The frontier picquets were all called in and a very general order carried out to leave the Republic open to the army of invasion, which was known to be advancing on Leon.

The order sent to the commander of the American troops was not obeyed until it was submitted to Genl Walker, who immediately gave directions to the command in Leon, to comply with the mandates of the Minister of War: and further, to withdraw his whole force from that city.

After the departure of President Rivas from Leon, the people of that city became uneasy at the speech of Senor Salazar, and anxiously enquired of the Fathers of the Church, if any confidence could be placed in the statement—that the Americans intended to destroy the religion of the land.

The Vicar General of Leon, instantly denied the calumny, and ordered all the priests to declare in their churches that the report was untrue.

After these occurrences, a decree was issued by Genl Wm Walker, Commander in Chief of the forces of Nicaragua, declaring the Provisional Government of President Rivas dissolved, and also announcing Don Fermin Ferrer Provisional President, as under the treaty executed by the Democrats and Serviles in Granada, on the formation of the late Provisional Government, it was expressly stipulated that Genl Walker should be invested with the

manded: besides, when President Rivas left Granada for Leon, he delegated all his powers to Gen[l] Walker, and placed the State under Martial law.

This is a correct version of the recent changes which have taken place in this Republic.

The despatch of June 29th informs me, that Senors Rivas and Jerez continued to give unequivocal proof of their hostility to the present Administration, but that the people had evidenced their desire to sustain it, and to mantain order and public tranquility.

I am also instructed to call your Excellency's attention to the following.

Senor Don Thomas Manning, an English subject, and vice consul of England, claims against Nicaragua the large sum of one hundred thousand dollars. This amount has been contracted for and acknowledged by Nicaragua, during different periods since the year 1848, for loans, merchandize, bonds & interest which from time to time have been included in the capital at the rate of two per cent a month.

Information has been recieved by the Government of Nicaragua, that M[r] Manning intends claiming, or has claimed the protection of the British Government, and demands that Nicaragua be compelled to pay him the sum claimed, and that the object will be, to blockade the ports of that Republic, as has been the case before in Central America, on the part of the British Government.

Under the possibility of an undue British interference in favour of a private citizen, and which may be accompanied with political objects, it is hoped that the American Government will stretch forth its protecting arm in favour of their friendly and sister Republic.

With the highest considerations of respect [etc.].

1355

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

No. 66 GRANADA, *August 10, 1856.*

SIR: As I informed you in my n° 60 [2] that I had notified the President of Nicaragua, through the Minister General of my instructions to establish diplomatic relations, with this State; and that he had designated Saturday the 19th ult[o] at 12. M. as the time when I could have an audience for that purpose.

[1] Despatches, Nicaragua, vol. 2. No receipt date appears on the original, having prob-

Accordingly at the time I communicated the instructions of my Government to the President of Nicaragua (a copy of which I enclose marked A) and his reply (a copy of which I enclose, marked B).[1]

This Government had previously on the 11th ult° abrogated the decree of the 22d of Jan. last suspending all communication with the United States, (a copy of which is enclosed marked C).[2]

Whatever may have been the feelings excited by any previous course, harmony and the best of feelings I am assured, are cherished for the United States. . . .[3]

The Decree of the Supreme Government of the 4th instt copy inclosed marked J.[4] has revoked the exequatur granted Thomas Manning as the Vice Consul of Great Britain—for the alledged reason that he has interfered with the interior affairs of Nicaragua.

This interference is based upon a letter found on the person of Genl. Salazar on his voyage from Leon to San Salvador, written by Mr. Manning, a copy of which is enclosed marked K.[5]

[1] The text of Wheeler's address, differing somewhat, though not greatly, from the ordinary formal presentation speech, is in the manuscript volume, but is not included in this publication. The text of President Walker's response was not found.

[2] The enclosed copy of this brief decree is in the manuscript volume, but is not included in this publication, since its purport is here adequately revealed.

[3] This omitted portion tells of his application for the release of young citizens of the United States from the Nicaraguan army, of the organization and membership of President Walker's cabinet (all names appear to be Spanish, except that of Richmond, the Sub-Secretary of State), and the selection of Appleton Oaksmith as minister to the United States.

[4] Although the copy of this decree is still in the manuscript volume, it is not included in this publication, since its purport is adequately explained.

[5] The text of Consul Manning's letter, quoted below with the editorial comment preceding and following it, has been copied from an article, in English, printed in the copy of the issue, dated August 9, 1856, of *El Nicaraguense*, which is still in the manuscript volume with the original of Wheeler's despatch, and bears, in red pencil, the enclosure designation K:

> Among the many valuable documents found upon the person of Sr. Salizar [Salazar?], was a letter from the British Consul at Leon, to Florentine Souci at San Miguel, San Salvador. This is another evidence of the double dealing of British agents relative to the affairs of this country.
>
> What, we would ask, in the name of philanthropy and our common humanity does Great Britain expect to gain by permitting her agents to encourage the half-civilized natives of this country to butcher each other; or by what species of sophistry does she expect to justify or excuse herself before the tribunal of christendom, for sending to one part of the world agents who stir up strife and cause the ignorant natives to outrage human nature, while she sends missionaries of peace with the bible in one hand, and flannel shirts in the other, that both the moral and physical condition of the heathen may be improved.
>
> To those who do not understand the Red Flannel Christianity of England, we respectfully submit the following letter of Mr. Manning, her agent at Leon, of which we give a hurried translation:
>
> *Thomas Manning, British Consul at León, to Florentine Souci*
>
> LEÓN, *July 24, 1856.*
>
> Dear FRIEND: I am here, without knowing where to go, since Walker will not give us a passport to pass through Granada. I understand that that man is furious with me,

arrived at San Juan del Norte, consisting of Thirteen Ships of War, all war Steamers but one; Among them is a line of Battle Ship (the Orion) of 96 guns —The total force is 268 guns and 2500 men.

The conduct of the English Vice Consul here, and the presence of this war like force ill accords with the protestations made in the English Parliament, that Great Britain has no wish to interfere with affairs in Central America.

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him out of the State, for as the forces come from the other States in handfuls of men, nothing is accomplished; and the expenses and sacrifices are made in vain. I am much afflicted to think that, under these circumstances no more activity is used in so serious an affair. At the present there are 500 men from San Salvador, 500 from Guatemala, and 800 belonging to this place, and according to my judgment double that number is required. I am hurrying to provide in every possible manner for my departure, and if I can get on board one of the ships of war which is on the coast, I will take passage in it to San Juan, or to Panama.

In the politics of the country, I understand that the Democrats have gained much favor and strength. On this footing I go contented, since Estrada and his companions are ruined as having cut a ridiculous figure at Somobillo.

Powers have gone from here appointing Mr. Tresarry, [Irisarri?—Ed.] to represent Nicaragua, near United States of America, since Padre Vijil has returned home. We do not know the motive of his return, for between this and Granada there is no communication. Altogether affairs are wretched in Nicaragua, and very distressing, and if I remain here much longer, I shall not have a shirt which I can put on. Already you can suppose how much I have suffered by these convulsions.

It is known that a certain Fabens, has sailed to Boston with the gold quartz, and that with one Mr. Heiss, he has bought the mines from Padre Sosa.

You need not be afraid but I will do all I can for your interest in this affair, with all earnestness; and you should write to Davis, in Boston, via. Omoa, in this particular, inquiring whether the ore which Fabens & Heiss took, were from the mines of Bestaniere. I shall write, myself, to Zapata, in Laboca, on this same subject. The troops here are altogether naked. If you have any Manta drill that you can sell at 12½ cents per. yard, I will take ten bales. Dont forget my request in favor of my political son—Mr. George Bower—to have him appointed to represent San Salvador in Liverpool.

I am your obedient servant.

Here we have a full expose of the condition of the rebels. According to the statement of one well acquainted with their affairs, they have not half the men necessary for any effective movement, and live in a continual dread of Gen. Walker's army. The rebel troops are altogether naked, and it may also be presumed that, where such poverty exists, hunger and disease will shortly disseminate them faster, and as effectually as any army that could be brought against them. But the letter itself is so explicit as to require from us no elucidation.

It is somewhat unfortunate for Mr. Manning, and we pity him, that he should be drifting so rapidly into the condition of the Leonese soldiery as to have the prospect of being in a short time, shirtless. But the poor man's affliction is divided between his shirtlessness in prospective, and the lack of energy in the party in whose fortunes he seems so deeply interested. The anticipated loss of a few shirts has almost bewildered him, and he lives in great apprehension that General Walker may attack Leon, and perhaps take those as part of the plunder. Upon this point, however, we can assure him he may rest easy, as we believe the General's wardrobe is complete, and the soldiers of the Nicaragua army have lately had a full supply of linen.

Mr. Manning's letter may be construed as the expression of a mere private individual to a friend, but this will be done only, by persons interested in such a construction. His office of British Consul will be connected by the people of this country with every thing he says on questions relative to state policy; and thus by his embracing views of a party, it is apt to appear as if the whole moral force of England were thrown in its favor. In this particular Mr. Manning has gone beyond the line of his duty, or else there is no weight to be attached to the words of Lord Clarendon, when he said in the House of Lords, that, the

I shall keep my Government well advised of any movements made in this Quarter.

Other documents than the letter of Mr. Manning was [*sic*] found on the person of Genl Salazar, who was the chief Agitator of the recent troubles in Leon, for which he was tried in this city and found guilty of Treason. He was shot in the Plaza on Sunday last at 5 P. M.

The city of Leon, and the Department is at present held by the forces of Guatemala and San Salvador, about 800 men each, aiding in the endeavour to put down the Walker Government, which now holds Managua, Massaya Grenada, Virgin Bay, San Juan del Sur, Castillo and the rest of the Republic.

The force of this Government is about 1200 chiefly or all Americans. . . .[1]

Information from authentic sources has been received at this Legation, that Dr. Jos. W. Livingston is imprisoned at Leon, in retaliation for the capture of Genl Salazar, and that if Salazar was executed, Dr. Livingston would be also.

I forthwith replied to Mr. Manning's letter (copy marked M) and addressed a letter to Majr General Ramon Belloso, Commander in chief of the Allied Forces at Leon (copy marked N) as the only person I could legitimately address to save the life of an innocent and excellent citizen.[2]

I fear that this communication will have but little avail; If not, I feel that my Government will demand a full measure of justice.

It has been more than a month since, I wrote to the Consul at Panama to communicate with the St. Marys, or any U. S. Frigate at that point, the importance of the presence of an American Man of War at Realejo.

Be so good as to repeat this to the Secy of the Navy.

The factions that now are in the Department of Leon, led on by Rivas and Jerez, were powerless until aided by the forces of Guatemala and San Salvador.[3] . . .

The affairs in Central America are rapidly narrowing down to contest between Despotism and Democracy. Carrera, the Despot of Guatemala with Walker now contend for mastery. It is much to be regretted that Peace and Prosperity cannot prevail in these luxuriant regions, for which God has done so much and man so little. The physical and political condition of Central America is worse than it was twenty years ago. Continued strifes for power, intestine wars have been indulged in to the neglect of commerce, and agriculture and every peaceful art that form the true elements of national prosperity.

I have the honor [etc.].

[1] This omission stated that no hostilities had yet occurred because of the rainy season, but that a conflict was expected.

[2] These letters are not included in this publication. They dwell at length on the excellent qualities of Dr. Livingston, his innocence, and his helpless, if [illegible]

Sebastián Salinas, Minister of Foreign Affairs of Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

LEÓN, *August 12, 1856.*

SIR: When nations recognize the Ministers and diplomatic agents of other nations; they advert only to this substantial fact, that there should appear to be a sovereign, reputed as such, in the country over which he rules. This doctrine is settled by the sanction of every government; for it would otherwise involve an interference with the peculiar institutions of each of them, throwing open a wide field for a thousand consequences, which would impair the peace and good understanding, that should subsist among them. Nations, on the other hand, should be circumspect, as least, in giving their countenance to the importance, which may be self-arrogated even by an usurper, a pirate, setting up claims to legitimacy and invoking facts, accomplished in the country, to which an evil fortune only could have directed his steps.

Nicaragua lives under institutions, which repel every foreigner from the duties of the Presidency or the discharge of the other higher offices of the Republic. If it allows some naturalized citizens to fill certain secondary offices; it is done under condition, among other requirements, of a residence for a given time. It is not very strange that Mr William Walker, knowing these things, or having it in his power to know them, should have assumed, for himself, the title of President; should have simulated elections, caused his soldiers to vote and committed a thousand other scandalous acts; because he deemed that title necessary to cloak his ambition, to oppress Nicaragua, usurp its Authorities, add a star to the banner of the North, or raise up another and a new flag over the whole of Central America. It is not strange, we say, because usurpers never scruple at their means; but it is strange that a minister of the great American people, Mr Wheeler, with all these events occurring under his eyes, with his knowledge that the Government of Mr Rivas has not lapsed for a single day and that it has been recognized by the people, whom it represents, should consent to become an accomplice of Walker's and bring himself under the penalty, with which his Government ought to visit him. We hold it to be so; because, whether deliberately or inconsiderately, he has, without conferring with his Government, recognized Mr Walker as the lawful President of the Republic, a fact which was proclaimed to us by the press of Granada and by other, indubitable, testimony.

For this reason, the President of the Republic, after having suspended all communication with Mr Wheeler, which had been renewed in consequence of the reception of Mr Viijil as the Minister Plenipotentiary of this Govern-

1357

Appleton Oaksmith, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *August 15, 1856.*

SIR: I have the honor to present you herewith the credentials of his Excellency General Wm Walker President of Nicaragua, accrediting me as Minister of that Government to the United States.[2]

Will you be pleased to inform me at your earliest convenience what time may be appointed for my reception.

With sentiments of high consideration [etc.].

1358

Appleton Oaksmith, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [3]

Private "WILLARDS", *August 21, 1856.*

SIR: I enclose a slip from the N. Orleans Picayune of 14th inst.[4] The paragraph is not properly expressed—I left Granada on the 16th of July, three days before this ceremony, and know well what were the intentions. It was

[1] Notes from Central America, vol. 2. Received August 15.

[2] This credential letter, quoted below, is included, contrary to practice, because of its inherent interest:

William Walker, President of the Republic of Nicaragua, to Franklin Pierce, President of the United States

GRANADA, *July 16, 1856.*

GREAT AND GOOD FRIEND: As it is proper that this Republic should be represented in all matters, which may come up before your Cabinet; and, considering that Mr Appleton Oaksmith is a Nicaraguan citizen of acknowledged integrity, I have deemed it expedient to appoint, as I do, hereby, appoint him, to be Minister Resident, in the Republic of the United States, in order that you may confer with him and do all that may be necessary for the mutual advantage of both Republics.

God grant a continuance of a happy harmony, between two sister Republics, linked in the same continental cause.

God preserve you, many years, for the happiness of your fellow-citizens.

[3] Notes from Central America, vol. 2. No receipt date on the original.

[4] The marked portion of the enclosed clipping reads: "On the 19th ult., diplomatic intercourse with the United States Minister, Mr. Wheeler, was resumed; General Walker giving him a very cordial formal reception, and Mr. Wheeler warmly reciprocating the friendly sentiments he expressed."

behalf of the United States.

Since I had the honor of meeting you I have fully weighed all the matters of our conversation and I cannot, impartially speaking, see any reason why the reception of a Minister of Nicaragua should be a subject of hesitation on the part of the United States.

My duties are such that I can not go to New York and return immediately and I am therefore forced to remain here till this question is decided. I have much to do—many private matters are suffering from lack of my attention—I have illness in my family, and many things to call me away, but I feel that my duty should not be neglected and I am therefore waiting here solely upon the matter of my reception.

Will you put me under a personal obligation by expediting the matter as much as you conveniently can.

I remain [etc.].

1359

Appleton Oaksmith, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *August 21, 1856.*

SIR: Since the interview which I had with you on the 19th inst I have given the subject of our conversation mature deliberation and cannot but feel that my duty to my Government requires that I should respectfully request an early and definite reply to my communication of the 16th inst.[2]

The Government which I have the honor to represent has formally received the Minister of the United States and renewed relations with that Government *through his solicitation.* The most ordinary National courtesey would seem to require a reciprocation on the part of the United States.

There are circumstances which will render it impossible for me to keep the fact of my mission much longer from being made public; and there are also matters of importance, in which the United States and Nicaragua are mutually interested, which I am instructed to bring to the attention of the United States; but which I cannot do until my official position is fully recognized.

These circumstances have induced me to respectfully call your attention to my communication of the 16th inst, and to desire that you would have the kindness to present these views to his Excellency the President of the United States, and to request from him on behalf of my Government that early and kind attention which his various important duties will permit.

I have the honor [etc.].

[1] Notes from Central America, vol. 2. Received August 21.

Appleton Oaksmith, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *August 23, 1856.*

SIR: I have the honor to acknowledge the receipt of your note of yesterday,[2] informing me that his Excellency the President of the United States was not prepared to decide at this moment whether your government would or would not receive me as Minister Plenipotentiary of the Republic of Nicaragua near the government of the United States in conformity with the Credentials which I had the honor of submitting for your inspection on the 16th inst.[3]

In view of the fact that my predecessor was duly received by your Government, and that, since the succession of President Walker, Diplomatic relations were, formally reopened at Granada on the 19th ulto between the United States and Nicaragua through the Hon[l] J. H. Wheeler, Minister of the former government, at which time in addressing His Excellency Gen[l] Walker, President of Nicaragua, he made use of these words; viz, "I am directed by the President of the United States to notify *you*, that I am instructed to establish relations with this State &c"; and also in view of the personal assurances which I have received that the United States were desirous of cultivating *friendly relations* with Nicaragua, I am at a loss to conceive what reasons can influence the government of the United States so far as to cause *any hesitancy* in receiving a properly accredited Minister from Nicaragua.

If there exist obstacles to my reception of which I am not aware, a proper consideration for my government would seem to require that I should be informed of them, in order, if they cannot be removed, that my government may at least have the satisfaction of knowing the position in which she stands regarding the United States.

At present it does not become me to speak of the policy of the United States in regard to Central American affairs, but I may be permitted to express my beleif that had the overtures made by Nicaragua as early as 1847. '48- and '49 received the favorable consideration of the United States Government, it would have been better for the interests of both countries. A kind and conciliatory course towards the young Republic of Nicaragua can not fail to result in advantage to the United States, and the former would be aided and strengthened by the friendship and influence of her more powerful neighbour.

May I request that you will communicate to me, at as early a day as may be convenient, an answer to this note.

As I am compelled to leave the city for a few days, you will oblige me by addressing me under cover to Hon[l] J. A. Quitman 242 Pennsylvania Avenue.

I have the honor [etc.].

1361

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

No. 67 GRANADA, *August 25, 1856.*

SIR: . . . In my last N[o] 66.[2] I advised you of the imprisonment of Dr. Jo[s] W. Livingston, a citizen of New York by the forces at Leon under the command of Gen[l] Belloso. I enclosed copies of my letters in his behalf.

I have just learned today, that my interposition, has had the desired effect; D[r] Livingston has not been shot; he has been banished to San Salvador—committing or charged with no offence, save being an American, and a white Man.

These outrages are insufferable. I can hardly add any thing to the facts detailed in my last despatch as regards the political condition of Central America in general, and Nicaragua in particular.

The allied forces still support Rivas as President at Leon, altho' as President he had ordered an election, as by law he was authorized to do—which election did not terminate in his favour.

If the election of Gen[l] Walker had not been cheerfully acquiesced in by the people, it is difficult to perceive why the most wealthy and influential citizens, do not with the masses, endeavour to expel any attempt at usurpation.

Although the allied forces have been at Leon since the 17th of June last, we have yet to learn whether any considerable number of the people of Nicaragua has sympathized or united with them.

Don Patricio Rivas, with the characteristic national trait of treachery, (after his impassioned appeal of the 3d of June last to the people to resist the forces of the other States) on the 17th of June last made, at Conjutepequi a treaty with San Salvador, stipulating the non employment of Americans in his Army; the very force that had been by the Leonesi party invited to the country, and had rescued them from pillage, banishment and death; and which had placed Rivas in power.

[1] Despatches, Nicaragua, vol. 2. Received September 29.

The omitted portion deals chiefly with legation routine. In it, Wheeler said, however, that he was authorized to say that the Government of Nicaragua concurred fully with the position taken by the Government of the United States regarding the declaration relative to

disbanding the American force stationed at Leon under the command of Col^o Natzmer which as he (Rivas) still held power, was obeyed; the city of Leon was soon after occupied by the forces of the Allies from Guatemala and San Salvador now under command of Genl Ramon Belloso.[1] . . .

Every other portion of the Republic is in the quiet and undisturbed possession of the Walker Government; including the Transit Route, so important to our intrests [*sic*].

Settlers for mining, agricultural and other purposes, are flocking to Nicaragua, locating lands, and erecting machinery; the hum of which and the noisy roll of the Yankee carts through the Streets, advise the natives of Nicaragua, that indolence must yield to interprize; ignorance to science; and anarchy and revolution to Law, and order.[2] . . .

I have the honor [etc.].

1362

Appleton Oaksmith, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [3]

NEW YORK, *August 26, 1856.*

SIR: Having presented my credentials as Minister Plenipotentiary of the Republic of Nicaragua near the Government of the United States, and understanding that negotiations are now pending between the United States and England upon matters affecting the interests of Nicaragua, I feel it my imperative duty, even in advance of my reception by your government, to acquaint the government of the United States that Nicaragua has from the first protested against the forcible occupation of her territory by Great Britain under the pretense of affording protection to the so called Mosquito King and his tribe. The forcible seizure of the Nicaraguan Port of San Juan del Norte, and tearing down of the Nicaraguan flag in Jany 1848, and the subsequent maintenance of a British force at that point up to the present moment, are matters well known to your government. Can it be supposed that Nicaragua would have tamely submitted to such unjust treatment had she have been in a position to cope with so powerful a government as England?— All that was left her to do, was to make her Protest before the World and to seek the interposition of some greater power. The ill-success which attended her overtures are too well known to require repetition: the United States on whom she most confidently relied did not even acknowledge her communications.

[1] This omitted portion referred to places occupied by the allied armies opposed to the Walker Government, and expressed a belief that they could easily be taken by its forces.

I am instructed by my government to declare to the government of the United States that Nicaragua claims as a part of her Territory, the whole of the so called Mosquito coast from Cape "Gracias a Dios" to the Southern bank of the Colorado River; subject to such modification of the Southern boundary, as to its further extension to the South only, as may be decided on upon an adjustment of the questions existing between Nicaragua and Costa Rica. And furthermore that Nicaragua will not regard any Treaties made by foreign governments relative to this, or any other, portion of her territories as at all binding upon herself, or of any weight whatever, unless made with her cognizance and consent and ratified by a proper representative of her government.

I would respectfully inform you that I am empowered by my government to treat upon these questions, and am led to beleive [*sic*] that a full and distinct understanding of the positions of all parties in interest, would lead to their speedy amicable and satisfactory settlement.

I have the honor [etc.].

1363

Appleton Oaksmith, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

NEW YORK, *September 1, 1856.*

SIR: Since my communications of 23d and 26th ultos,[2] which as yet remain unacknowledged, I have received important advices from my government. Considering the tenor of our conversation on the 19th ulto I deem it proper that you should be officially informed of certain recent events in Nicaragua.

His Excellency President Walker has been pleased to appoint Don Pedro Y. Selva, a distinguished citizen of Nicaragua whose family for thirty-five years have been intimately, connected with the politics of that country, as Secretary of this Legation. Don Pedro arrived here in the Steamer "Cahauba" on the 30th ulto and submitted to me his credentials which are in order and properly authenticated, and will in due time be presented to you.

Don Mariano Salizar [Salazar?] the active leader of the so called Rivas Revolution was taken prisoner on the 28th of July in the Gulf of Fonseca by the Nicaraguan Schooner "Granada" Commodore De Brissot commanding; he was conveyed to Granada where he was tried for Treason found guilty and executed on the 3d ultimo.

Advices were received at Granada on the 18th ulto that Patricio Rivas had fled from Leon, leaving the city in the possession of a small force of San

General, Ramon Belloso. This force may be considered as an army of invasion; and to one thoroughly acquainted with General Walker's resources it would not be difficult to predict their fate.

I have the honor to enclose for the information of the Government of the United States a translated copy of Despatch Nº 26 from the Ministro de Relaciones addressed to the undersigned,[1] concerning the Blockade of Central American Ports.

Requesting an early acknowledgement not only to the present but to my communications of the 23d and 26th ulto, I have the honor [etc.].

1364

Appleton Oaksmith, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [2]

NEW YORK, *September 4, 1856.*

SIR: I understand from Mess [*sic*] Wines & Co, Expressmen of this city that a package from Nicaragua directed to the "Minister of that Government near the government of the United States"—was sent under cover to the State Department Washington— Will you have the kindness to cause said package to be forwarded to me, if such is the case. Address it simply by Mail to me in this city.

I take advantage of this opportunity to respectfully remind you that my communications of 23d and 26th ulto and 1st inst [3] are as yet unacknowledged—

I am with high consideration [etc.].

1365

Appleton Oaksmith, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [4]

NEW YORK, *September 18, 1856.*

SIR: I have the honor to acknowledge the receipt of your communication dated the 13th [5] but mailed the 16th instant informing me that "the President declines" receiving me as Minister of Nicaragua.

Before informing my government of this decision, I desire, in justice to myself, to be informed whether the government of the United States has

1366

Agustín Vijil, Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [2]

GRANADA, *September 29, 1856.*

SIR: For the information of the Supreme Government of the Republic of the United States, I have the honor to communicate to your Excellency that the Government of Nicaragua has been pleased to appoint, as Secretary of the Legation of this Republic, accredited to the Cabinet, Mr Pedro Yginio Selva, in lieu of Mr John P. Heiss, heretofore appointed by me, Minister Plenipotentiary in your capital.

I, therefore, hope, at the hands of your Excellency, that the relation will be continued, through the medium of this new agent, until this Government will have appointed the Minister Plenipotentiary, who is to be my successor.

The Hon: Mr Marcy will be pleased to accept [etc.].

1367

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [3]

[EXTRACT]

No. 69 GRANADA, *September 30, 1856.*

SIR: I enclose a copy of Decree No. 51;[4] ratifying and establishing in all its conditions the Treaty of Friendship, Commerce, and Navigation, concluded at this City on the 20th of June 1855, between the U. States and Nicaragua; and authorizing John P. Heiss, a naturalized citizen of Nicaragua, to exchange said ratifications.

Copy enclosed marked A. I also enclose a copy of a decree dated 6th instt repealing the act of the Confederated Congress of Central America of

[1] For the reply, see above, this volume, pt. 1, September 23, 1856, doc. 1072.
[2] Notes from Central America, vol. 2. No receipt date appears on the file copy of this translation nor on the Spanish original filed with it.
[3] Despatches, Nicaragua, vol. 2. Received October 22.
[4] Not included in this publication.

17 apl. [April?] 1824 abolishing Slavery in Central America,[1] which decree revives the orignal law of Spain recognizing Slavery.

The experience of any person who may reside for even a short space of time in Nicaragua will convince the most fanatical, that the rich soil so well adapted to the culture of cotton, sugar, Rice, corn, cacoa, indigo &c can never be developed without slave labour.

This therefore is an important and necessary decree.

As to the general state of Public affairs in Nicaragua they are not much altered since my Despatch no. 67.[2] . . .

I have the honor [etc.].

1368

Antonio José de Irisarri, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [3]

NEW YORK, *October 16, 1856.*

I have the honor to enclose to your Excellency a communication, which I have just received from the Minister of Foreign Relations of the Republic of Nicaragua,[4] by which your Excellency is advised that I have been appointed, by that Government, as its Envoy Extraordinary and Minister Plenipotentiary, Superseding the Mission of Don Agustin Vigil. I shall leave this city within four days, with the credentials, which have been committed to my hands, for His Excellency, the President of the United States and in the mean time, I remain [etc.].

1369

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [5]

No. 70 GRANADA, *October 23, 1856.*

SIR: In reply to your Despatches Nos. 31. & 32,[6] the latter, in triplicate, communicating to me, that the President deems it proper that I should re-

[1] The decree did not specifically repeal the act of the confederated congress abolishing slavery. Its first article reads: "All acts and decrees of the Federal Constituent Assembly, as well as of the Federal Congress are declared null and void." But, at the bottom of the circular (which is in English) containing the text of the decree, is printed the following: "Among the decrees which the foregoing repeals is an act of the Federal Constituent Assembly, of 17th April, 1824, abolishing slavery in Central America."

[2] Above, this part, August 25, 1856, doc. 1361.

The omitted remainder of this despatch tells of apparent preparations, by the enemies of the Government, to attack Granada, and of the arrival of reinforcements and supplies for the Government which it

I enclose the certificate of my Physicians, stating that a change of climate is absolutely necessary to the restoration of my health; and I trust that these instructions of return proceed from any other cause than a dissapprobation of any official acts of mine, which indeed is not suggested in the despaches and which I feel are not deserved.

I can then explain personally to the President, and the Dept. the real condition of affairs in this Republic, more than my exhausted strength will now enable me to communicate.

I have the honor [etc.].

1370

Antonio José de Irisarri, designated Nicaraguan Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *October 30, 1856.*

SIR: Through your note of the 28th instant,[2] received last evening, and which I now have the honor to acknowledge, you inform me that the Government of the United States is not disposed to receive me, as Minister from Nicaragua, for reasons Stated in said note. It is my duty, in this contingency, to transmit to the Government, which appointed me to supersede Mr Vigil, as the accredited Minister of the Republic, the determination to which the Cabinet has come. I deem it, at the same time, imperative upon me to represent to Your Excellency that the contest, now existing in Nicaragua, is not waged by two national parties; but that it is one, carried on between one party, that is national, and another, made up of foreign adventurers, headed by a foreigner also, who is disqualified for the exercise of the Supreme Magistracy, because the Nicaraguan Constitution positively forbids that any one, not born upon the soil, shall be president of the Republic. All the Acts, therefore, emanating from a thus incongruous authority, shall, for ever, be held null and the consequences of such nullity can only result in prejudice to such individuals as may hold as good, acts of this nature, violative of the independence and sovereignty of Nicaragua.

So long as my presence, in this city, may not be demanded by the concerns of Guatemala and Salvador, and even by those of Nicaragua, under the supposition that it may be deemed expedient to recognize me as the Minister of that Republic; I will retire to Brooklyn, where I have fixed my permanent

[1] Notes from Central America, vol. 2.

[2] Above, this volume, pt. 1, doc. 1075.

residence, in consideration of the State of my health and where I shall hold myself, with sentiments of the highest consideration, subject to the orders of Your Excellency [etc.].

1371

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

[EXTRACTS]

No. 72 GRANADA, *November 1, 1856.*

SIR: Lest by desease I should be unable to return home, as speedily as I could wish, I communicate officially to you, the important occurences [*sic*] which have transpired since my last Despatches received at the Department.

The allied forces of Guatemala and San Salvador, under the command of Genl Ramon Belloso had been for some weeks strongly posted at Massaya a town about twelve miles from this City. This force was estimated to be about Three Thousand.

On Saturday the 10th ultº at ½ past 10 o'clock A.M. the Army of Nicaragua under command of Genl. Walker left this City for Massaya,—this force was about One Thousand; At day break of the next day a general battle ensued at Massaya, which continued throughout the whole day. The allied forces were driven within the grand plaza, to which the forces of Walker were rapidly cutting their way.

At night a message was rec'd. by Genl Walker, that this City which had no force competent to defend it for any length of time, was attacked by a strong detachment of the Allies.

This message caused Genl Walker immediately to return with his force to Grenada [Granada], which he reached on Monday the 13th ultº about 9 a.m.

A sharp and vigorous conflict insued both at the barriers, and in the plazas and streets, in which the Allies were completely routed and fled in all directed [*sic*], with a loss of about 400, and many prisoners. Walker's loss in both battles was 21 killed and 55 wounded.

The conduct of the forces of the Allies violated every rule of civilization. They plundered helpless ladies, murdered tender children, unarmed and aged Ministers of the Gospel and others, peaceful citizens of the U. S. [who] depended upon their neutrality and the flag of their country to protect them. . . .

The flag of this Legation as well as the door of the Legation House was

How far these Allies are comforted by the presence of the large English force now on the Coast, may be well considered.

There is now lying in the harbour of San Juan del Norte

The Orion Steamer	91 guns	Capt Erskine
Imperieuse	50	Watson
Arrogant	47	Lyster
Cosack	20	Coburn
Pioneer	6	Meade
Intrepid	6	Wood
Vesta	6	De Hozas.

I deem the presence of a Ship of our Navy at San Juan del Norte, and San Juan del Sur of vital importance. If not promptly done every American settler will be forced to leave the country; or daily and nightly run the risk of his life. . . .

I have the honor [etc.].

1372

Pedro y Selva, designated Nicaraguan Chargé d'Affaires at Washington, to William L. Marcy, Secretary of State of the United States [1]

[TRANSLATION]

NEW YORK, *November 3, 1856.*

SIR: I have the honor herewith to forward to Your Excellency the enclosed letter [2] of appointment from the Honorable Agustin Vigil; Your Excellency will learn from it that His Excellency the President of the Republic of Nicaragua has seen fit to honor me with the administration of the important affairs of this Legation.

While awaiting the reply which Your Excellency may be so good as to make me, I am very happy to offer to you for the first time, Mr. Minister, the sincere expressions of my esteem and respect.

[1] Notes from Central America, vol. 2. Received November 4. [2] Not found.

Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the United States, to William L. Marcy, Secretary of State of the United States [1]

BROOKLYN, NEW YORK, *December 5, 1856.*

EXCELLENT SIR; It is a fact of public notoriety that, on the 26th of last month, at the City of New Orleans, the Steamer Tennessee, bound for Nicaragua, received on board three hundred men divided into four companies, of which a certain Crawford, a certain Course, one John MºMahon and one J. P. Rayburn call themselves the captains. It is unnecessary to add that this force has gone to enter the service of the adventurer Walker, against whose criminal usurpation the five Republics of Central America are now allied in arms.

It is equally public and notorious that Colonel Titus has issued a notice, through the press, assigning the 10th instant for a rendezvous, at St. Louis, of all who may wish to have a free passage to Nicaragua, whence they are to proceed to Cuba as soon as they will have accomplished their work in Central America. Again it is needless to state that the work, which the freebooters have to perform in that country, is nothing but its long dreamed conquest and the plunder of the property of the natives of those republics.

I have lately been informed that there is now fitting, in the port of New-York, another expedition to assist the pirate Walker and his followers, now reduced to their personal resources, since they no longer reckon in their ranks the few Nicaraguans, whom violence had formerly compelled to serve their tyrants.

As Minister Plenipotentiary of Guatemala and of Salvador, I can no less than represent to Your Excellency that, if up to this time, the measures directed by this Government have proved unavailing in preventing the departure by hundreds, up to thousands, of the recruits sent out to the Captain of pirates, now in possession of Granada; it is now absolutely necessary that an efficacious remedy should be applied, and that, too, with the promptness required by the nature of the intolerable evil inflicted, on the whole of Central America, through the scandalous hostility of Citizens of the United States against the nationality of friendly Republics. All of the five republics are at war. And against whom? Against the power of the pirates? No; because the pirates are not a power. Against the United States? No; because the treaties of peace and friendship, negotiated between them and those republics, subsist in full vigor and force. Against whom then is this war waged, a war that has so few parallels on the page of history? It is not against the United States; but it must be against the citizens of those States, who affect the mastery of those countries. Indeed

there, call themselves friends, the citizens of both countries should be engaged in daily, reciprocal, slaughter and keep on slaying one another, merely because the authorities of the American Union cannot prevent the citizens of that Republic from indulging in piratical expeditions, whither they deem best.

No course of things can be more fatal, or more dangerous, to the nationality, the security and the independence, not only of the Central American Republics, but also of all the Spanish-American States. I, therefore, hope that you will be pleased to call the attention of His Excellency, the President of the United States, to this communication, in order that he may, with all necessary promptness, issue stringent and definite orders, that will effectually cut off all sending of reinforcements of men, arms, munitions and moneys to the band of pirates, that have collected in Nicaragua, and that have, up to the present day, been abetted to the greatest scandal of the world and with a most glaring violation of the rights of nations.

Now, in the event that it may be deemed impossible to shield Central America from these evils, because the laws of this country do not allow the interposition of those efficient means, which the other governments of the world oppose to the misdemeanors of their subjects; it will be indispensible, so long as any point of Nicaragua shall be occupied by those pirates, that the Government of the Union order the suspension of the transit from California through that point; and in order to justify this, it is enough to reflect that no nation has a right to trade with another, save when such commerce can be carried on, without manifest injury to one of them; and that it should be suspended from the moment that its prosecution involves jeopardy to the safety and existence of a people—

I propose no measure, inconsistent with the principles of equity and justice universally acknowledged, nor yet inconsistent with those principles of the law of nations, received by all civilized countries, and applicable equally to the most powerful empires and the weakest states.

I remain, with most profound respect [etc.].

1374

Pedro Cárdenas, Minister of Foreign Affairs of Nicaragua, to William L. Marcy, Secretary of State of the United States [1]

in that capacity, alleging therefor that the violent condition of political affairs, in Nicaragua, suggests serious doubts, as to the person, that is invested with the political authority of that State, or even whether there be, here, such established authority as holds out a title, sufficient to allow it to be considered as an actual, or *de facto*, government: that the right of Don Patricio Rivas, to the exercise of the functions of President of Nicaragua, is seriously contested and that the reception, on the part of the President of the United States, of a Diplomatic Agent from whichsoever of the parties, contending for the Supreme command, would necessarily involve a decision, in reference to such a contest; and that the Executive of the United States, in view of imperfect and conflicting information, respecting the political condition of this country, is not prepared to make that decision.

These being the grounds of consideration, on which the Cabinet of Washington stood, in its declining to receive the Nicaraguan Minister to that Government; it becomes a duty to remove those grounds of error and to put, in a clear light, the unassailable claims, which the present Government has to exercise power in Nicaragua.

It is a notorious fact that an end has been put to the domestic dissensions, which had divided the Nicaraguans into two parties; that, in consequence of this fact, all Nicaraguans now recognize but one Government, although a *de facto* one, in the person of Don Patricio Rivas; that a like state of things has been experienced by the Governments of the other States of Central America, the events of which and the details, connected with them, having been matters of discussion in the press of said States; whilst there is reason to believe that Your Excellency's Government has, through the medium of that press, been duly informed of those events as their relative details. It is equally and additionally notorious that Mr William Walker's Presidency has been declared to be a sheer usurpation; for the reason that, as there was an acknowledged President, who refused to abdicate the Supreme power; to have entitled oneself President, in defiance of the Constitution of Nicaragua, which repudiated him as an alien, was no less than justifying the name of usurper in any one, who put up such a pretension.

On the 14th of May last, the Cabinet of Nicaragua was just as much *de facto*, as it is now. At that time, the Nicaraguans were divided, some recognizing Rivas' and others, Estrada's, government. At that time, the present Government, being considered by the States of Central America, to be under the domination of Walker and, therefore, impotent to act with free will; those States refused to acknowledge that Government. But at that time, the Government at Washington experienced no scruples in recognizing Mr Vijil in the capacity of a minister of Rivas' government; whilst

America recognize his as a Government and, uniting their arms with those of Nicaragua, as allies and friends, advance them against Mr Walker; this same powerful and enlightened Cabinet of Washington declines recognizing Sr D. Antonio J. de Yrisarri, in his capacity of Minister of said Government of Nicaragua, and as a successor of Minister Vijil.

This, forsooth, Mr Secretary, is an anomaly; an act, which would justify the idea that there has been a departure from the steadiness of principles, which have ever characterized your enlightened Government; And, although inaccurate information and partial Statements may have led it to call in question the person, who is entitled to exercise the recognized Supreme power; now that the true state of the facts has been spread before it, the Government of Nicaragua trusts in the justice of the Cabinet of Washington; she trusts that, allowing due influence to the foregoing considerations and reasons, they will be pleased to recognize Señor D. Antonio J. de Yrisarri in his character of Minister Plenipotentiary of this Government.

And in transmitting the foregoing statement, I do myself the honor [etc.].

1375

Henry Savage, in charge of the Legation of the United States, in Guatemala, to William L. Marcy, Secretary of State of the United States [1]

No. 22 GUATEMALA CITY, *December 30, 1856.*

SIR: I send herewith enclosed Copy of a Treaty of Alliance,[2] or Offensive & Defensive League, entered into between the States of Guatemala, Honduras and Salvador, for the expulsion of Wm Walker and his followers, from the territory of Nicaragua, and the maintenance of the Independence and Sovereignty of these States; to which Costa Rica has also subsequently sent in her adhesion.

These States have in consequence, sent their respective portion of armed forces, amounting altogether to 6650 men, for the purpose of carrying into effect, the stipulations of this Treaty. By the Bulletins of official reports, which accompany this, you will be informed of the progress of the allied forces, and the prospects entertained here of final success.

On the receipt here of the news, that the troops of Guatemala, had shot the prisoners taken from Walker's party, I enquired of the Minister of Foreign Affairs of Guatemala, if his Government intended to adopt the principle of shooting the prisoners that may fall into their hands, to which he emphatically replied, that so far from that being the case, strict orders had been given

del Sur, in a state of Blockade, I had heard of this, but could not obtain any authentic information, until it was published, in the Gazette of Guatemala N° 97 which is also forwarded herewith.

Two deserters of Walker's party, arrived here in the beginning of this month, I procured them passports, and sent them off immediately to Belize B. H., lest they might be murdered by the people.

In the Gazette of Salvador N° 75 also accompanying this, is inserted a Decree of the President of Salvador, dated November 15th 1856, declaring the roadstead of "Libertad," a port of Deposit: It is an open roadstead, situated between Acajutla and la Union, in the State of Salvador.

A French Chargé d'Affaires, arrived here in July last, and on the 18th August, addressed a note to the Minister of Foreign Affairs, enclosing a copy of the Declaration of the Plenipotentiaries who signed the Treaty of Paris of the 30th March 1856. soliciting thereto, the adhesion of the Republic of Guatemala. The Minister of Foreign Aff^{s}, on the 30th August, sent the following reply:

> En contestacion, tengo el honor de manifestar á U. S. que el Presidente de la Republica considera que los principios establecidos en dicha Declaracion, no solamente son de estricta justicia, sino que pueden ser al mismo tiempo, una garantia en favor de las Naciones debiles, por lo cual S. E. con el acuerdo unanime de su consejo de Estado, presta con satisfaccion, su asentimiento formal á los principios importantes contenidos en la Declaracion hecha el 16 de Abril ult^{o}, por el Congreso de Paris.*

Wherefore, I have since handed him, Mr Marcy's answer to Mr Sartiges' despatch, on this question, with a view, to enlighten his understanding on the subject.

Respectfully, I am, Sir, [etc.].

*[TRANSLATION]

> In reply I have the honor to say to Your Lordship that the President of the Republic considers that the principles laid down in that declaration not only strictly conform to justice but also that they are capable of affording a guaranty for weak nations, wherefore His Excellency, with the unanimous concurrence of his Council of State, is glad to give his express assent to the important principles contained in the Declaration made on April 16 last by the Congress of Paris.

Luis Molina, Costa Rican Chargé d'Affaires at Washington, to William L. Marcy, Secretary of State of the United States [1]

WASHINGTON, *January 3, 1857.*

The Undersigned Chargé d'Affaires of Costa Rica, has the honor, by order of his Government, to address the Honorable Mr Marcy, Secretary of State of the United States, enclosing to him the annexed decree,[2] by which the Government of Costa Rica declares the blockade of the port of San Juan del Sur and prohibits the navigation of the river San Juan del Norte, pending hostilities against the invaders of Central America.

The Undersigned hopes that, by this time, the forces of Costa Rica and of her allies will have placed themselves in due position to enforce the decree referred to; and that the enlightened Government of the United States will view this measure, of imperious necessity, in no other light than in that of the exercise of a perfect right, on the part of the States of Central America, against the immoral and traitorous undertakings of free-booting.

Had it been possible, in the United States, and through the action of their own authorities, to prevent the repeated and scandalous violation of the laws of neutrality; and had not the present Transit Company been the forerunner—the manifest accomplice—and the most powerful auxiliary of the free-booting expedition; the Government of Costa Rica, out of respect for American interests, would not have decreed a suspension of the transit through Nicaragua. The inevitable consequences of this measure are to be exclusively ascribed to those, who, infringing international right, the laws of the United States and those of Central America, have, in the midst of peace, attacked inoffensive states, the constant study of which has been and still is to cultivate and corroborate the relations of friendship, which bind them to the Great Republic of the North.

The Undersigned flatters himself with a belief in the final triumph of right over might; but he cannot close this note without asking anew, in the name of humanity, of law and of the friendly relations, which exist between Costa Rica and the United States, that the Federal Government may be pleased to provide such measures as shall prevent the infraction of law, under frivolous pretences, and effectually put an end to the recruiting, gathering and expediting of reinforcements, the means and auxiliaries of every kind, which are incessantly collected in the United States and sent, from their ports, against Central America.

The Undersigned will not believe that the violations, of which he complains, cannot be averted; nor can he doubt that, the Hon: Secretary of State of the United States, with his acknowledged ability and integrity, will

1377

Henry Savage, in charge of the Legation of the United States in Guatemala, to William L. Marcy, Secretary of State of the United States [1]

No. 23 GUATEMALA CITY, *January 16, 1857.*

SIR: Herewith enclosed you will find Copy of a Declaration [2] of the Provisional Government of Nicaragua, annulling all acts or resolutions of the Government of Nicaragua, emitted from November 4th 1855 to June 12th 1856 including the period, during which Wm Walker is said to have exercised certain influence over the action of Patricio Rivas, the provisional President.

In the Official Gazette of Honduras N° 68 of December 30th 1856 which accompanies this, is inserted a decree of the Government of Costa Rica, interdicting the Navigation of the River San Juan del Norte, for all classes of vessels, so long as hostilities continue against the invaders of the land, also declaratory of the Blockade of the port of San Juan del Sur.

By the latest advices received here, it appears, that the Government of Costa Rica, has latterly sent 2000 men to Nicaragua, for the expulsion of Wm Walker, and that the Steam Boats for the conveyance of passengers up the river San Juan, had all been captured by the Costa Rican forces.

Understanding that there is now no Minister of the United States at Nicaragua, I deem it proper to transmit the documents for your information.

Respectfully, I am [etc.].

1378

John H. Wheeler, United States Minister Resident in Nicaragua, to William L. Marcy, Secretary of State of the United States [3]

WASHINGTON, *February 24, 1857.*

SIR: I had the honour to state in my note of the 19th of December last,[4] in reply to yours of the 17th,[5] that the subject (viz my resignation) should receive my earliest attention.

Since that time; from severe disease brought on from residing in Central America in the faithful discharge of my duty to the best of my ability, I have

[1] Despatches, Guatemala, vol. 3. Received March 30.
[2] Not included in this publication.
[3] Despatches, Nicaragua, vol. 2. Received February 25
[4] Not included in this publication, since its purport is here sufficiently shown.
[5] Above, this volume, pt. 1, doc. 1076.

am far from being relieved. This has delayed my answering your note. In your Dispatch N° 32 dated 27th Sept last [1] I was summoned by direction of the President to return to the United States, and apprize the Department of my arrival.

I obeyed promptly these instructions. On calling to see you at the Department a long conversation occured. I beg leave to remind you of what did occur at this the only interview, which took place on Friday the 21st of November last.

You expressed your disapprobation of my visit to General Corral bearing the propositions of the Citizens of Granada and General Walker; My official reception of Don Patricio Rivis [Rivas] as President of Nicaragua without instructions from the State Department you also disapproved of; Also my Dispatch communicating the decree of the Supreme Government admitting the institution of Slavery as tolerated while Nicaragua was a Spanish Colony; and you concluded the conversation by stating that the President was ready to receive my resignation.

This proposition to resign, as you are aware from my manner, was unexpected at the time to me, and on my not replying immediately to your proposition you stated that you "would be glad to know at an early day what my decision was."

I replyed that I did not desire by any course of mine to embarrass the President who had always been so kind to me, and would consult certain friends and advise you of the result.

Without detailing at this time the result of this consultation with these friends I deem it sufficient to say that after considering the positions as stated above by you, they do not afford sufficient reasons for me at this time to adopt your suggestion that I should resign my commission; and have therefore decided not to do so.

I have the honour [etc.].

1379

John H. Wheeler, United States Minister Resident in Nicaragua, to Franklin Pierce, President of the United States [2]

WASHINGTON, *March 2, 1857.*

SIR: From the present state of affairs existing in the Republic of Nicaragua, diplomatic relations have ceased; under these circumstances, I respectfully tender to you, my resignation as Minister Resident near that Republic.

I have the honor [etc.].

Antonio José de Irisarri, designated Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

BROOKLYN, NEW YORK, *May 28, 1857.*

EX: SIR: About the middle of October of last year, I addressed the Secretary of State [2] your immediate predecessor, informing him that the Government of Nicaragua had appointed me its Envoy Extraordinary and Minister Plenipotentiary to the United States. On the 28th of the same month, I was answered by Secretary Marcy [3] that this Government could not receive me as Minister from Nicaragua, as there was a party, in that country, which contested the Authority of President Don Patricio Rivas.

As the party alluded to was no other than that, then created by Mr Walker and backed by some few hundreds of foreigners and as such a party has ceased to exist; I have deemed it my duty to address you, through this note, with the request to be informed whether my reception can now take place; a reception which I hold to be necessary for the adjustment of matters, already too long held in suspense between the two countries.

I improve this opportunity to renew to Your Excellency the assurances [etc.].

1381

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States [4]

[EXTRACT]

Sloop of War *Decatur.*

Private & Confidential — Off PANAMA, *June 7, 1857.*

SIR: . . . There is no doubt in my mind that the authorities & people of Costa Rica are at this time exceedingly disposed to cultivate the good will of the United States. They have at this time possession of the entire transit route, & they declare their intention to maintain their claim to it. With this view they are strengthening the military posts on both sides of the river. How far this will interfere with the real interests of the United States may perhaps be better determined by the administration after the information I may be able to collect shall have been reported. The Costa Ricans are a much superior people to the Nicaraguans, & maintain the steadiest government & most prosperous condition of any in Central America. Is it not pos-

[1] Notes from Central America, vol. 2. Received May 30.
[2] Above, this part, October 16, 1856, doc. 1368.
[3] Above, this volume, pt. 1, doc. 1075.

on the transit, of the superior State, & especially if it shall show a disposition to encourage the Americanization of the Country?

Whatever sympathy may be felt for General Walker & his brave command, & whatever feeling they may be able to raise in their behalf at home, I venture to rely that there will not be allowed to leave for the scene of the late difficulties any private hostile expedition, at least until I shall have been heard from after my arrival in the Country, as it would certainly destroy any influence that might otherwise be exercised.

As I stated in my former letter I should do, I sent a note to Commodore Paulding, with the provisional order which I brought to him from the Navy Department, & he has informed me in reply that the "Cyane" would go immediately to San Juan del Norte, (& I learn that she has gone) & that there were there "a hundred & fifty of Walker's men" & others coming down. At both ends of the transit route, therefore, our unhappy countrymen will find the means of escape. . . .

I have the honor [etc.].

1382

Tomás Martínez and General Máximo Jerez, Presidents of Nicaragua, to James Buchanan, President of the United States [1]

[TRANSLATION]

MANAGUA, *July 27, 1857.*

SIR: After the events, which, in the month of May 1854, sowed, over the surface of the Republic, the deadly seeds of discord, which subsequently brought forth, for all its inhabitants, a bitter harvest of relentless passions and of every kind of disasters, the Provisional Government of Don Patricio Rivas came up—a government, which, with all the outward appearances of an impartial rule, suggested temporary hopes to the Nicaraguans and induced them to think that they had reached the term of their misfortunes. And, indeed, the previous record of Mr Rivas and the circumstances which compelled him to take the lead of the administration, envolved, to a certain extent, great elements of order, calculated to be advantageously expanded, had the foreign forces, which were then under the command of Mr William Walker, been limited to their original numbers and had they yielded due subordination to Public order, in a country to which they had been called, as Auxiliaries, by an untried and inexperienced party. But this force went on in an extraordinary and progressive increase. In like proportion, insubordination and audacity went on increasing, until they reached such a point,

that, on the 12th of June, '56, William Walker notified Señor Rivas that the Power should be invested in his own person, constituting, from that time, a horde of robbers and outlaws, who, in the broad light of day, without the slightest restraint or shame, committed every kind of depredation and crime, the enormities of which, the peaceful and kindly disposed inhabitants of Central America could never have given to their imagination to conceive. But none of those outrages could have matched the still greater outrage of having had himself, in the city of Granada, proclaimed, by his vandal followers, as President of the Republic, in the midst of a defenceless people handed over to the horrors of pillage, of the scaffold, and lastly to the conflagration of their domestic hearths.

The parties, between which the Republic was divided, soon came to a full realisation of the importance and of the consequences of such a deed. From that moment they lost no time in bringing about an union among themselves, through the agreement of the 12th of September, and, leaving the Presidency in the hands of Mr Rivas, whose term of office was fast verging to its close, they concentrated all their thoughts on the common defence and the salvation of the country. The day at last dawned, when, freed from those iniquitous usurpers, they turned their attention to the re-organization of the country. As, however, the germs of past discords were still alive among them, such re-organization looked like an impossibility, without some previous measure that should reconcile contending opinions and reduce, under a single power, all the inhabitants of the State. This measure, taken on the 12th day of June ult: and resulting in the abdication of power, made by Mr Rivas, into the hands of the Undersigned, as the chiefs of each of the two parties, restored general confidence and *universal* peace.

Under the influence of so promising a disposition of the public mind, the populations are about to be called on to proceed with the elections, so that the Supreme Authorities of this Republic may be duly declared.

Meantime, however, we have deemed that great interests, of reciprocal advantage to the Republics of the United States and of Nicaragua, commend themselves to the attention of both governments, Now, as Señr Don Antonio Jose de Irisarri has, since last year, been in the United States, as Minister Plenipotentiary and Envoy Extraordinary of Nicaragua and to that effect appointed by Señor Rivas; and as that gentleman has, not only, not forfeited the trust, which our predecessor had reposed in his great abilities, but he has also given us reason to place the highest estimate on those abilities, we have ratified and we hereby ratify the said appointment of Minister Plenipotentiary and Envoy Extraordinary of Mr Irissari, so that, with plenary powers to represent this government, he may conclude with the Government

welcome, to receive said gentleman, as Minister Plenipotentiary and Envoy Extraordinary and that you will award full credit to all that he may propose in his official character.

We beg your acceptance of our best wishes [etc.].

1383

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACT]

SAN JOSÉ, COSTA RICA, *August 3, 1857.*

SIR: . . . 1. The State of Costa Rica intends to reassert, & does reassert, a claim to the joint ownership of the Lakes & river which form the Nicaragua transit. The present government of Nicaragua is necessarily the creature of Costa Rica, & will probably assent to its claim. A treaty has been made, under the auspices of Genl Cañas (now the Costa Rica Commander on the Nicaragua line), but is not yet confirmed by this government because it reserves to Nicaragua an interest in the port of "Salinas." The Salinas Bay is understood to be the proper terminus on the Pacific side of the Nicaragua transit. Hence it is important. It is undoubtedly an excellent harbor, which San Juan del Sur is not. On my way to the Northern States of the Isthmus I propose to go to Salinas Bay, with a view to know what its fitness may be for a naval rendevous; as I assume that everything relating to the coast will be interesting.

As to the *merits* of the "boundary question," a good deal can be said in justice on both sides, i.e. by Nicaragua (if she were now disposed as formerly), & by Costa Rica. I think it is in the power of the United States to settle it, & as the arguments are so nearly balanced as to the respective rights of the two parties, I think our government ought to look at the whole matter merely as a question of policy on its part. To which State it shall incline I will not undertake to express an opinion till I shall have visited & felt the pulse of Nicaragua. As for this State, it may as well be said at once, its government & principal people hate us with the intensity that jealousy, envy & fear necessarily create. But the government of the United States can afford to disregard that, & act on higher motives. Undoubtedly the State of Costa Rica presents in Contrast to Nicaragua & other States stability & order of government, & industry & thrift among its people. This may be a consideration: Perhaps Nicaragua may be brought to the same condition. It

2. The war made by this State on Nicaragua—I have insisted it *on the Americans in Nicaragua*—was without provocation, & unjustifiable. Here, if any where, I would learn of the reasons which could have justified it. There were no reasons. The motives, as I judge, were two: jealousy of the ingress & consequent dominancy, of a superior race; secondly, the assertion of the line of the San Juan river & Lake Nicaragua as the boundary of the State, so that the (very much exaggerated) advantages of the transit might accrue to her, in part, if not wholly.

Of course, I have not expressed these sentiments, but constantly represented that the good will of our government is to all the American States especially, & that it has no purpose toward them except to conduce to their prosperity. As I know this to be the fact, both as regards the government & people of the United States, I state it on proper occasions.

This State has acceded to the treaty of Peru, Ecuador, &c, as you will see by the extracts sent.[1] It is not important. The elements of Union do not exist, & cannot be created by a piece of paper. It is only to be regretted, in fact, that the countries which we call "Spanish America" are not capable of a confederation of purpose & strength, & hence the responsibilities of the continent thrown on the United States.

The Commerce of this State (Costa Rica) is important to the United States, for it will give us of superior quality two articles of common use—coffee & tobacco. The coffee is superior to any except Mocha, & it is hardly behind that. The tobacco, if as well prepared, is equal to Cuban. On these points, & the routes by which the people of the United States may receive this trade, I will communicate further; on fuller examination.

In population this State is very weak. I think 100.000 is the extent. The war against the "filibusters," as they called them, *decimated* the working population, besides ravages of women, children & superanuated. For a State so small the public works that have been made are extraordinary, & also the private enterprise. You will have details.

I shall have the hope that until I shall have an opportunity to communicate with the Department from Nicaragua direct, no "expedition" will have left for Isthmian America, & that the government will not, on the other hand, have entered into any arrangement for the "security" (which means the non-occupation by Americans) of the Nicaraguan route.

When I left Washington, I supposed I might make this journey in four to

[1] The enclosures, referred to, were, *First*, a copy of the *Crónica de Costa Rica*, of July 11, 1857, in which were printed, in Spanish, the letters of July 8 and July 9, exchanged between the Minister of Foreign Affairs of Costa Rica and the Chilean Chargé d'Affaires in Costa Rica, regarding their recent signing of Costa Rica's adherence to the treaty of union between Chile, Ecuador, and Perú, dated September 15, 1856, and *Second*, penwritten English translations of these letters.

full report to you before the meeting of Congress.

Allow me again to ask attention to the necessity of keeping an open communication, & of vessels of war to touch at the different points on either coast.

Most respectfully, Sir, [etc.].

1384

Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

WASHINGTON, *August 14, 1857.*

The Undersigned, Minister Plenipotentiary of the Republics of Guatemala and of Salvador, has the honor, through this note, of stating to the Honorable Secretary of State, as he did some ten days ago, that on the very day of his arrival here he received an official communication, from the Government of Nicaragua, by which, under date of May last, he is instructed to obtain the re-opening of the passage between the Atlantic and the Pacific, across that isthmus. But as a measure of this importance cannot be conveniently adopted without the mutual consent of the governments of the United States and of Nicaragua; the Undersigned hopes that the Secretary of State will be pleased to submit, to His Excellency, the President of the United States, the urgent necessity, on the part of both Republics, for a free interchange of diplomatic relations; to which there can now be no such obstacle as that which presented itself to the late administration in the shape of the existence of two governments, in one and the same country. The Undersigned hopes to be recognized as Minister of Nicaragua, in order that he may have it in his power to proceed in the adjustment of those matters, which were interrupted between the two republics.

The Undersigned, therefore, tenders to the Secretary of State [etc.].

1385

Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the United States, to Lewis Cass, Secretary of State of the United States [2]

WASHINGTON, *August 24, 1857.*

The Undersigned, Minister Plenipotentiary of the Republics of Guatemala and of Salvador, has the honor of communicating to the Honorable, the Secretary of State of the United States, that a messenger of the Government of

the Undersigned, a literal copy of which is [illegible]

The new administration of that Republic is, in the day, entrusted to the most influential men, of both parties, who divide public opinion in the country; they are General Martinez, the leader of the Legitimists and General Jerez, the head of the Democracy, whose functions are to continue until the Presidential election will have taken place, in pursuance of the Constitution of the Republic.

This measure was deemed essential to the preservation of domestic peace, in the midst of a crisis such as that to which the people of Nicaragua were exposed after the convulsions caused by the freebooters. This course held out, to the two parties, an assurance of greater efficacy, that there would be no reason to apprehend the influence of Power, in the elections, in favor of one or of the other diverging opinion in the field. Thus it was, that concord was restored in that country and that the existing Duumvirate of Generals Martinez and Jerez was unanimously assented to and approved by the whole population of that Republic and of other portions of Central America.

The Undersigned has also received the approval of the contract, which he settled, on the 19th of June of the current year, with the America Atlantic and Pacific Canal Company, altering some of the stipulations contained in the former contract, closed on the 27th of August 1849, and brought under the notice of this Government. All that is now wanting, in order that the re-opening of the transit across the Isthmus shall begin to work its effects, is that this new contract should be put under the guaranties of said Government.

Availing himself of this occasion, the Undersigned [etc.].

1386

Antonio José de Irisarri, designated Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [2]

Private and confidential WASHINGTON, *August 27, 1857.*

SIR: I had the honor of informing you in the course of our last conversation, that the Company which is to re-open the interoceanic communication through the Isthmus of Nicaragua, cannot commence their labors before they obtain the guarantee of this Government, as per the stipulations of their contract with the Government of Nicaragua. I did also inform you that said contract being almost the same as that which was made with the Ameri-

[1] Above, this part, July 27, 1856, doc. 1382.
[2] Notes from Central America, vol. 2. Received August 27.

in the Clayton-Bulwer treaty, the case may arrive when, at the time of asking the same guarantee from England, the British Government may pretend to settle the difficulties occasioned by their usurpation from Nicaragua of the territory of Greytown, by offering to make to Nicaragua a cession similar to that of the Islands of Honduras Bay. I am obliged to resist any transaction on this point, which is not based on the delivery to Nicaragua of what indisputably belongs to her, with the entire, perfect and unlimited sovereignity that on that territory was exercised by the Kings of Spain.

I did not then mention the reasons of Nicaragua for rejecting a contract of that nature with England, as our conversation could not be as long as was necessary for this object, which I will do in this confidential letter.

If Nicaragua cannot have over Greytown the same power as over the rest of the Republic; if she cannot oblige the inhabitants of Greytown to contribute, as all the other Nicaraguans, to the defence of the country, and to the payment of the necessary and indispensable contributions for the support of the Government, the sovereignity would be but a burden and a great evil for the Nation. The inhabitants of Greytown would, in fact, be perfect strangers to Nicaragua; with a Government of their own, and without any dependency from the executive, legislative or judicial powers of Nicaragua, they would, by their acts, compromise the Republic at any time they should chose to do so, placing her under the necessity of answering to foreign nations for acts on which Nicaragua had no control, and no power to prevent. I therefore consider it far better that Greytown should remain under the British influence existing to-day rather than to enter into stipulations similar to those of the treaty between Honduras and Great Britain, as one day may arrive when all these questions can be settled according to the principles of equity and justice, and that occasion would be lost, by sanctioning now what might be later of worse consequences to the security of that country.

I propose these considerations to your meditation, as the views of the British Government being such as I have mentioned, it might be better to prescind of [*sic*] the question of the territory usurped by Great Britain to Nicaragua, under the pretext of protecting the supposed King of Musquitoes, and simply to propose the guarantee of that Government for the safe and free transit through that Isthmus.

As my health has been impaired during my residence in this City, I intend to return to Brooklyn on the 28th inst. There I will be highly pleased to receive your orders, and your advice in this matter, wherein the United States are as much interested as the States of Central America.

My residence is in Brooklyn, nº 80 State St.

I have the honor [etc.].

Antonio José de Irisarri, designated Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

Private & confidential NEW YORK, *September 2, 1857.*

DEAR SIR: In your letter of the 28th August last [2] you state your opinion that you think it will be better to defer any consideration of the matters alluded to in my letter of the 27th August last [3] until the diplomatic relations between the United States and Nicaragua are fully reestablished, an event which you state you hope will soon take place.—You request me that if there are any serious objections to this delay I should make them known to you.

I propose to consider the subject in the only aspects in which I think it can practically present itself to the consideration of your government, and submit the whole matter to your superior judgment.

In the first place I must inform you that after considerable difficulty I have induced the government of Nicaragua to ratify and confirm conditionally to the American Atlantic & Pacific Ship Canal Company the grant or privilege conceded for the transit from one ocean to the other across the Nicaraguan Territory; and this ratification has been obtained under certain amendments beneficial to the Company, suggested by the latter & with which the said Company express themselves perfectly satisfied.—My position as accredited Minister of Nicaragua & as the duly recognized Minister of Guatemala & Salvador in the United States has enabled me to accomplish this against the strenuous opposition & strong influence of Costa Rica, exerted chiefly through Genl Cañas, the Costa Rican General who is quite popular in Nicaragua— I have also represented to the aforesaid three States who have appointed me their Minister Plenipotentiary respectively in the U. States that a perfect understanding with the United States and a treaty of protection between the U. S.—& Nicaragua to guarantee the free and uninterrupted use of the transit to all the world against all commotions or attempts internal or external was a matter of the first necessity to Nicaragua and the whole of Central America— I have succeeded in persuading the three governments of the truth of this proposition which to my mind is undeniable. But it will not escape your sagacity that my efforts have been strenuously opposed by Costa Rica and the foreign influence which is there exerted— My government therefore has authorized me to ratify and confirm the grant to the American Atlantic & Pacific Ship Canal Company on the supposition, as I take it, that the United States by entering into a treaty of protection in favor of the transit route will thus directly or indirectly sanction the step taken by Nicaragua. The ratification & amendments stipulate that the

tion— In the treaty, if deemed advisable, England and other European powers may join— But to *simplify* matters I would propose that for the present a special treaty of protection only should be entered into, without taking into account other matters that may afterwards be taken into consideration— I am willing and ready to enter into such a treaty with the U. States only immediately after my recognition by your government; England and other powers may come in or not—If they do I propose to omit all other matters beyond the securing of a free and uninterrupted transit through Nicaraguan Territory to the whole commerce of the world— I would not and cannot disguise that this would be a matter of the greatest importance to the future prosperity of Nicaragua both pecuniarily and on account of its tendency to consolidate the social and political condition of Nicaragua and it may be of the whole of Central America— On this account and to prevent the constant recurrence of political jealousies and troubles between these interesting States I have labored constantly and to the best of my ability to persuade Nicaragua and the two other States whom I represent that my views were correct— I have succeeded—and am now authorized to ratify & confirm the grant (which had been considered as forfeited & null) to the primary American Cº or to some other company as I may judge proper under certain conditions; but I deem that a ratification of the old grant or the giving of a new charter or privilege to some new American Cº would be of very little value unless sanctioned and protected by treaty—

As you know I was appointed and accredited by the former Rivas government to your government—I have since been accredited by the new government of Nicaragua represented by Generals Martinez and Jerez who by the common consent of all parties are the executive and constitute the government de facto— There is not one single individual in arms against the government. Shall this happy moment and opportunity be suffered perhaps to escape without settling at once this important question? Who can answer what influence Costa Rica may finally exert on Nicaragua through her gratitude, necessities or otherwise; who can answer for the views and opinions of the new Executive that may be elected? May not new revolutions and complications arise in Nicaragua? May not my powers be revoked? May not a new Minister from Nicaragua, in case of my death or recall, entertain very different views from mine, or representing only *one* of the Central American States may he not want the necessary facilities and influence to complete the great object of a safe and free transit secured by common consent to the Pacific?

Even now Costa Rica is urging Nicaragua & pressing her hard to settle and adjust the question of boundaries; which of course, you know, Sir, means that

her to hold to her just rights; but shall I succeed under the pressure?

I think therefore for the reasons which I set forth that delays *are* dangerous to the best interests both of Nicaragua and the United States—I think as good an opportunity as the present will never again present itself—certainly not a better one—& the suggestions of prudence cannot be misunderstood—

Of course I shall be happy to receive your views on this matter and you will believe me Sir, when I say that I entertain the highest opinion of your judgment and long experience in these matters.

Very respectfully, your obt Servt.

1388

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States [1]

PUNTA ARENAS, of the Pacific, *September 5, 1857.*

SIR: On the 7th of August in a letter from Cartago [2] I had the honor to write to you that on the previous 7th I had a conversation with the President of this state in which several subjects of interest were mentioned and on

[1] Special Agents, vol. 20. Received October 5.

[2] The letter of August 7, apparently, did not reach the Department. At least, it was not found in the manuscript volume. Below, however, are excerpts from letters of September 2, and 5, 1857, apparently addressed to the Secretary of State, which discuss, in a not very lucid manner, difficulties that Jones had encountered in establishing his official character, and entering into conversations with the Costa Rican authorities. Apparently, he refers to the same conference which, here, he says, hazily, he had, in his letter of August 7th, reported had occurred "on the previous 7th." In the omitted portion of the first of the two following communications, he told, in great detail, of making arrangements for his interview with the President of Costa Rica, and of his spirited correspondence with the Minister of Foreign Affairs who refused to recognise his official character. Fourteen enclosures support his account. The real cause, or an important contributory cause, appears to have been his employment of a Walker refugee named Ströbel, mentioned in the second of the following excerpts:

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States

[EXTRACT]

SAN JOSÉ, COSTA RICA, *September 2, 1857.*

SIR: . . . I went in company with the American Consul Mr Hine, and was received with apparent warmth by the President. I explained why, in the disturbed and (when I left Washington) unknown state of affairs in the States of Central America, the government of the United States had sent a person to consult and communicate, rather than to negociate, and hence why I had addressed myself directly to him instead of the Department. The President expressed himself much gratified, and especially as the appointment had been made before it was known in Washington that the war in Nicaragua was concluded. The subsequent interviews and intercourse that I had with the President and the Secretary are set forth in a separate letter which I have the honor to address to you herewith. [Probably the one, above, of September 5, 1857, to which

which the President requested me to communicate to him in writing, merely stating points. I did not in that letter enter into particulars because I was doubtful whether the letter would reach the Department. The suggestion of the President I did not agree to, because I was not authorized to negotiate, only to inquire and inform, and perhaps lay the foundation for negotiations. The President suggested of himself the supposition that a belief prevailed in the United States that this state was under the influence of the goverment [*sic*] of Great Britain and France in preference to the United States; and declared it to be a mistake. That both the goverment and people of Costa Rica were "Muy aficionadas"—most kindly disposed, to the United States; and referred, as in my instructions, to the fact of their being the elder Republic of the Continent, and in advance of the rest, as a reason why this state should have especial regard for them and look to them for sympathy and aid. Finally he suggested or intimated the idea of a "protectorate" either tacit or expressed of the United States over this Republic. I looked at this rather as a ruse to find out my ideas or rather the ideas of the goverment at Wash-

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William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States

[EXTRACTS]

PUNTA ARENAS, ON THE PACIFIC, *September 5, 1857.*

SIR: I arrived at this port to-day from the Capital, whence I had previously sent my letter of 2 inst under the aprehension that the steamer might pass.

Of course, after the letter of the Minister of Foreign Relations last referred to in my communication of the 2nd, I did not have any further communications either with the President or Secretary, in respect of the relations which had existed, or of the rights of Ströbel. But I did not forget, however, that it was my duty not to have any misunderstanding if it could properly be prevented, and accordingly called the same afternoon on the Secretary of War & Hicienda [Hacienda] Señor Escalante with whom I had been and remained on excellent terms, and said to him that I regretted the extreme measure this government had thought proper to take and especially at a moment when it was informed that I had been just directed by the government of the United States to communicate with this government on important points: . . .

In reperusing the despatch with which you honored me, under date of 30th July [Above, part 1, this volume.—Ed.], and considering the informal character and large discretion of the commission entrusted to me, I thought that it was still proper that this government should understand something, either formally or informally, of the views of the Department at Washington, and accordingly had a considerable conversation with Señor Escalante at his house, where I had the satisfacion of feeling constantly at liberty to visit. When the transit was mentioned the Hon. Minister said it was not considered by Costa Rica a matter of great importance, beyond the necessity of maintaining what the state belived to be its just rights. . . . The whole conversation, however, only convinced me that their dislike to enter on the subject of the transit route at all, was a distant hope that the United States would concur in their late assumed charter of it, and they recive the money promised. I have reason to belive that the same mail that brought the despatch to me of the 30th July brought letters from Mr. Molina on the same subject which has alarmed the government here.

ington. I replied that I should be glad to communicate to the Department any suggestions he might make to that effect, and I was sure they would be kindly if not favorably received. I then intimated to his Excellency the desirableness to the United States of a naval depôt on the coast of Central America, and that there was [*sic*] ports in the limits of this State adapted to the purpose (This is a subject that is not mentioned in my written instructions but was brought to my attention in my last conversation in the Department). The President replied with apparant earnestness that he did not "perceive any difficulty in the matter"; that his own views would be in its favor; and specially requested me on this point to communicate to him in writing. That was waived however. The conversation then passed to the advantageous position of Costa Rica in respect of having in a small compass of territory the ability to produce almost every article of human consumption, and of superior quality, and so near to either ocean and with so trifling land carriage, that the market might be chosen both for sale and purchase. The President jumped at the conclusion that I was referring to the importance to this state of a Port at the mouth of the San Juan on the Atlantic, and referred again to the advantages which this state hoped to reap from the friendship of the United States and a "peaceful immigration" of their citizens and the introduction of their enterprise. The President referred specially also to the gratification he had in the belief that the present administration was opposed to all "filibusterism" and friendly to the lesser and somewhat dependent states of the Continent.

The conclusion was an invitation to come again to converse on the same matters at an early day.

In all this so pertinent to the subject matter, the President did not allude to the decree or his intention to issue it for the expulsion from the state of all who had been engaged in the "ranks of Walker," and which have the same date (7th August). About an hour after, I heard of it; though it was not issued untill Sunday morning the 9th. For the purpose of seeing it, and forwarding it to the Department by the first opportunity I delayed an intended visit to Cartago and sent it thence with the note before mentioned of the 10th August, and herewith inclose a duplicate.[1]

The decree itself is an outrage of humanity & decency. If it had been intended only for those unfortunates who left the Nicaraguan ranks on the promises of the Costa Rica goverment to protect them, it would have been a violation of faith, but not in my opinion such as to call for interferance on

of the United States, I thought them certainly (especially of citizens of the United States) to be under their protection as well as the guaranty, and not to be subgect to an arbatary [arbitrary?] banishment for the mere reason of having been "in the ranks of Walker".

The decree you will observe proposes banishment of a class as a class; without providing or proposing any means by which the persons included in it may be enabled to leave the country; without declaring what shall be the alternative or penalty should the decree not be complied with; it is for a supposed offence, not committed in the State which proposes to punish it, and for an offence, if it were an offence, long passed. The injustice of the decree was aggravated by the fact that it was not generally circulated, and what circulation it did have was not in a language known to the persons whom it was to effect. I considered it moreover not in good faith that the President should have not made any mention of it to me in a conversation of the same day as its date, on points certian to bring it to his mind, and in which a spirit so different from it was assumed.

However I did not give it any attention as concerned my communications with this goverment, but immediatly on my return from Cartago again called on the President according to appointment. The same points were conversed upon, more at large, and the President proposed that before the departure of the next (the present) mail to communicate some definate ideas which might be communicated to Washington, and perhaps serve as a basis. He suggested that some point in the Salinas Bay would in his opinion answer best for the purpose which I had suggested of a naval station. I did not offer any objection, but did not forget that Salinas Bay is in the "disputed ground", and the proposed terminus of the lately concluded Costa Rican contract for the Nicaraguan transit. The conversation was conducted and concluded in an apparently friendly spirit, and with the understanding that it would be resumed with the probability that some definate ideas would be arrived at by His Excellency in time to be translated to you by this mail. It seemed to be the desire of the President, as it was certainly my preference, that the subject should be discussed exclusively with him, and that he would "communicate them on proper occasions" to the heads of the Departments. There is not here what is properly called a "cabinat," as there are no general councils or discussions held with the ministry.

These free communications were broken off as detailed in my letter of 2d of September,[1] and ostensibly for the reason given in the note of the Minister of Relations "Nº 58." and accompanying my letter with the mark "G".[2]

[1] See first excerpt in note 2, p. 596, above, this part.

[2] This note is not included in this publication. The note from the Minister of Foreign Affairs informs Jones that since he had presented nothing but a passport, the Nicaraguan

their thoughts and desires—Not so much for dominion, as for speculation, in a good degree personal; and they wish to hold off and on till the final determanation of the United States shall be knowen touching the lately concluded charter to Webster & Co, and whether the latter will be forthcoming with the cash; two hundred and fifty thousand dollars of which the President in the conversations before recited told me he expected to recive on the 20th September instant.

I can not fail to conclude in my own mind what the conclusion of the goverment at Washington will be on the subject of that assumed charter, from the tenor of the dispatch with which I was honored under date of 30th July last.[1]

I have the honor [etc.].

1389

Henry Savage, in charge of the Legation of the United States in Guatemala, to Lewis Cass, Secretary of State of the United States[2]

No. 26 GUATEMALA CITY, *September 10, 1857.*

SIR: Herewith enclosed, I send a decree of the President of Costa Rica, in relation to the projected invasion of William Walker, declaring, any party of armed men, under the command of Walker, or his agents, invading any of the ports of Costa Rica, or those of the allied States of Central America, shall be considered as pirates, and as such, become outlawed. Moreover, the 2nd article, declares, that all those, who may have served under the banner of Walker, and actually residing in the Country, are enjoined to leave it, within the space of thirty days, from the date of the publication of said decree; excepting any who may be exercising an honest profession, and who may obtain, previous permission so to remain, from the Chief of Police.

This decree has been transmitted to each of the respective Governments of Central America for its adoption; but I have not been able to ascertain, if in any of the other States, it has been deemed proper, to adopt it or not. I have enquired of the Minister of Foreign Relations, of this Republic, whether or not, the Government of Guatemala, had, or intended to sanction it, by its adoption, and his reply, was, that the President and Ministers, had seen it; but owing to the pressure of business, occasioned by an insurrection of the Indians, in one of the Departments, to which the President had repaired, it had not been decided upon; but if any action be taken thereon, he would inform me of it.

Respectfully, I am [etc.].

[1] Above, this volume, pt. 1, doc. 1081.

Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the United States, and Luis Molina, Costa Rican Chargé d'Affaires at Washington, to Lewis Cass, Secretary of State of the United States [1]

NEW YORK, *September 14, 1857.*

The undersigned, minister Plenipotentiary of the Republics of Guatemala and of Salvador, and the Chargé d'Affaires of the Republic of Costa Rica, have the honor of bringing to the knowledge of His Excellency the Secretary of State that there is no doubt as to the fact that there is now in course of preparation, in the Southern Section of the United States, an expedition under the orders of Walker, the adventurer; which expedition, according to the notices published in the public journals, will sail about the middle of this month, or the beginning of the next, bound for Bocas del Toro, where it will take the armament, which, now ready in the port of New York, is to be transported to that point. It is probable that the collecting of the members of the expedition and of the armament, at that point, have for their object the entrance of these new invaders into Nicaragua through the port of San Juan del Norte, since they can have no other point from which they could effect such entrance.

The Undersigned hope that the government of the United States, though they may not be able to prevent the embarkation of this expedition, like former ones, so publicly and shamelessly proclaimed, will direct that a vessel of war of the United States shall prevent the debarkation of these aggressors in Bocas del Toro, and give formal orders to the United States' vessel that may be stationed at San Juan del Sur to repel also the landing of the expedition along that Coast and to turn them back to the United States as violators of their laws and as disturbers of the peace and security of friendly nations.

With highest consideration, the Undersigned have the honor [etc.].

1391

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States [2]

PUNTA ARENAS, on the Pacific, *September 14, 1857.*

SIR: The enclosed note and signatures [3] are from the remnants of those unfortunate persons who deserted from the ranks of Walker under the promises of the Proclamation of President Mora. I have been besieged,

United States. At their earnest solicitation, however, I consented to forward the enclosed; & I will take the liberty to suggest, on my own account, & without having conveyed to them, the hope, that I do not think a little wholesome expostulation in their behalf either through Mr Molina, or directly with this government, would be amiss. They are the most deplorable looking objects I have ever seen: sick, many; wounded; sore-covered; nearly naked; without shelter day or night—they wound the sight wherever turned in Punta Arenas. They are also under sentence of banishment by the decree which I have heretofore communicated & remarked on to the Department, & at the same time are without any possible means of getting away. They are liable, therefore, at any moment, to be thrown into prison, or put with the vilest criminals into the chain gang. They are mostly Americans by birth—the Europeans who were of the same class having mostly found employment in the country, the same prejudice nor jealousy not existing against them. I cannot say, however, that among the names that I recognize to the paper there is any person who does much honor to the country of his birth, or whose return is desirable to it.

I have the honor [etc.].

1392

Luis Molina, Costa Rican Chargé d'Affaires at Washington, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *September 22, 1857.*

The Undersigned Chargé d'Affaires de Costa-Rica had yesterday afternoon the honor to receive the note of the H^le General L. Cass, Secretary of State of the U. S., under date of the 18th inst,[2] communicating to him a copy of the additional instructions forwarded, on the 30th of July to Mr. W. Carey Jones,[3] U. S. Agent in Central America, wherein the views of his Government are stated, respecting the affairs of Costa Rica and Nicaragua, so far as they may affect the route from Ocean to Ocean, by the San Juan river, with the request that the undersigned would lay it before the Costa Rican Government.

With this request the undersigned shall comply as soon as possible, but it is to be regretted that he could give no intelligence on the premises, to his Government, by the last steamer, as he vainly waitted until the last moment, the communication proffered at the interview of the 16th inst, and he thinks himself in duty bound, in so grave and delicate an affair, merely

[1] Notes from Central America, vol. 1. Received September 23.
[2] Above, this volume, pt. 1, doc. 1083. [3] Above, this volume, pt. 1, doc. [illegible]

tions, which the H.[e] Secretary of State has been, or will be, pleased to address to him, reserving the rights of Costa Rica, and waitting for instructions.

All the expressions of due regard to the sovereign rights of the Central American States; and all the friendly feelings, or motives assigned for the course which the President of the U. S. has deemed it proper to adopt, will be fully apreciated by Costa Rica, who has given, and is always ancious to give, proofs of amity and deference to the U. S., asking only for justice at their hands.

The undersigned takes pleasure [etc.].

1393

J. B. Purroy, to Lewis Cass, Secretary of State of the United States [1]

WASHINGTON, *September 22, 1857.*

SIR: Yesterday I had an interview with Mr. Appleton and I then explained to him fully all that Mr. Irisarri, the Minister from Nicaragua, had desired me to submit to you respecting the present situation of Nicaragua, threatened by a new invasion of citizens of the United States, the recognition of her government by the United States and the proposed treaty of protection to the transit across Nicaragua from one ocean to the other. Mr. Appleton promised me to inform you of all I said on these subjects, and I therefore will now call your attention to those points only which Mr. Irisarri especially requested me to explain or submit to you.

As to the joint Presidency of Generals Martinez and Jerez it has been formed in Nicaragua by the common consent and with the approbation of all parties. It was considered the only possible means of securing union between all classes of citizens, internal peace and exemption from the attacks of her foreign invaders who have sought first to promote and then to avail themselves of political differences and contentions in Nicaragua. The two leading parties in that country are represented in the Executive branch of her government; and who may justly condemn a measure which has united all her citizens and secured domestic Peace? The present government of Nicaragua is a government *de facto* and more than sufficient time has elapsed to show that all the nation has accepted it. It has been recognized by the other Central-American States by the Republic of Chile, where a Chargé d'Affaires now represents Nicaragua, and by other South American States. At the General Congress of the Spanish American Republics, which is soon to be held at San José of Costa Rica, Nicaragua will be represented.

have taken place in June last has been postponed under the threat of a new and important invasion of fillibusters from the United States, and Mr. Irisarri himself has written to Nicaragua advising that no election should take place under the present circumstances. It is therefore extremely uncertain when an election of President will be had in Nicaragua.

Mr. Irisarri has very lately received despatches informing him that if he is not received as Minister from Nicaragua by this government and if no hope exists of making a treaty of protection of the transit route across Nicaragua, he will be required to attend the General Congress of Central and South American States which is soon to convene at San José.

It becomes the duty of Mr. Irisarri under existing circumstances to enquire of you if the recognition of the government of Nicaragua and the reception of a Minister from that country by the United States will depend on the election of a new President. Mr. Irisarri begs you, Sir, to communicate to him the resolution of the United States Cabinet on this subject in order that he may notify the Government of Nicaragua as soon as possible.

I have the honor [etc.].

1394

Antonio José de Irisarri, designated Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

BROOKLYN, NEW YORK, *September 25, 1857.*

SIR: Finding myself somewhat indisposed on the 19th instant, I commissioned Mr Purroy to state to you what he verbally communicated, on the 21st to Mr Appleton, the assistant Secretary, and to you, in person and in writing on the 22d,[2] and subsequently word of mouth. Finding my health improved, I took up my line of travel, on the 21st, for the city of Washington, going through such short stages of my journey as the state of my health allowed; and, from this cause, I met with Mr Purroy, in Baltimore, returning from Washington, when he told me that, upon his intimation to you that I desired a written answer as to: whether the recognition of the government of Nicaragua and the reception of her Minister were to depend on the election of a new President; your Excellency was pleased to say to him that you would answer me on the following day, namely the 23d instant. In consequence of this I returned, from Baltimore, to my place of residence, hoping to find your answer here; merely receiving, however, your note of the 23d,[3] through which you invite me to come to Washington for the purpose of having a personal interview with me.

for the purpose of conference on Nicaraguan affairs, my health was seriously affected and I have noticed that the climate is no way favorable to its sounder condition. I, therefore, earnestly beg of you to have the kindness to communicate to me, in writing, whatever may be your pleasure in the premises. When my presence, in Washington, may be deemed indispensable; I shall proceed there to put myself at your Excellency's orders, and should the intent of your note of the 23d be to call me, to be immediately recognized as Minister of Nicaragua and to be presented to the President, I shall override all obstacles and attend at Washington. In the meantime it is incumbent upon me to hoard up all the resources of health, having to perform a long sea-voyage, in prosecution of a commission, out of these States, which I am to undertake within a short time.

I again beg Your Excellency to be pleased to furnish me with an answer to the question propounded in Mr Purroy's forementioned note, heretofore addressed to Your Excellency, because it is urgent that it should, as soon as possible, be transmitted to the government of Nicaragua.

I improve the present occasion [etc.].

1395

Antonio José de Irisarri, designated Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

BROOKLYN, NEW YORK, *September 28, 1857.*

EX: SIR: I have the honor of acknowledging the receipt of your letter, of the 26th instant,[2] through which you state that, so soon as the President will have arrived in the City, a proper decision shall be made as to my reception as Minister Plenipotentiary of Nicaragua.

I beg your Ex: to be so kind as to lay before the President the reasons, which I adduced in my note of the 2d instant, and those, advanced by Mr Purroy in his letter of the 22d of the same month,[3] and for which I deem it urgent that this government should recognize me as the Minister Plenipotentiary of that Republic.

Should his Excellency, the President, deem it proper that I should be present at Washington, before he makes his decision, I will proceed to that city on such day, as may be designated to me, after the 5th of the next month because up to that time I shall be engaged in the despatch of my official correspondence.

I improve this opportunity [etc.]

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACTS]

SAN JORGE, NICARAGUA, *September 28, 1857.*

SIR: In the letter which I had the honor to address to you under date of the 5th instant,[2] I stated that it was my intention to go immediately to Nicaragua. I found it impossible, however, to procure conveyance up the Gulf of Nicoya, or to procure mules to go directly by land; & was so frequently disappointed after having as I supposed made arrangements, that I could not but conclude that the hindrance was caused by some sinister, controlling influence. I could only avail myself, therefore, of the monthly steamer from Panama to the ports of Central America; & accordingly embarked on the 22d inst. from Punta Arenas for San Juan del Sur. I came over the old transit road from San Juan to Virgin Bay on the 24th. It is still in good order, with a few exceptions of broken bridges, & can be restored to its former excellent condition at a moderate expense. From Virgin Bay I came to this place, & have made a visit to Rivas, and am now waiting for the lake steamer which is lying at this harbor to go to Granada, & thence to Masaya, where the government is now established. The lake and river steamers formerly used in the transit are in the exclusive possession of the government of Costa Rica, carry the flag, & are run on account of, that State. The steamer now here is taking in supplies for the troops below who continue on behalf of Costa Rica to occupy the river San Juan. San Juan del Sur has been delivered (nominally, at least,) to Nicaragua, but with that exception the line of the old transit is in possession of Costa Rica, with the ports on both sides of the river, and the exclusive navigation (by steam) of the lake.[3] . . .

. . . The exact relations between the two States it was impossible to learn in Costa Rica, and so far in this State I have not had an opportunity to gain information, not having reached the seat of government. The present authorities of Nicaragua were put in power by Costa Rica, but it is believed that being in power, they preferred their own State, & it is certain that they do not agree on all points, & that the government of Costa Rica is not satisfied with the disposition of the dual presidency which it created here. The question of boundary, & the control of the transit, are the sore points. I shall not fail to represent to the authorities at Masaya the powerful advantages which this State has in maintaining her old possessions, nor to press

[1] Special Agents, vol. 20. Received November 9.

[2] There are two letters of this date above, this part, but neither of them mentions his inten-

me of 30 July; & I have reason to believe, from an interview which I have had with the Governor of this Department, that these views will meet with a cordial reception. I shall seek also while in this State to let it be known in the States further North that the projects of aggrandizement on the part of Costa Rica are not sympathized in at Washington.[1] . . .

. . . I shall probably be prepared to make you a full and circumstantial report. If my instructions, however, were more specific, & my position better defined, I am sure I should be able to accomplish more in less time.

I have the honor [etc.].

1397

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States [2]

GRANADA, NICARAGUA, *October 2, 1857.*

SIR: I arrived in this place on the 29th Septr from San Jorge, where I had the honor to write to you.[3] On the 30th, I went to Masaya, where the government of this State is temporarily established, and returned here this afternoon in order to avail of the latest opportunity to communicate with the department by this steamer. The opportunity is through the politeness of General Cañas, who has command of the forces on the San Juan river, & the control of the Lake & river steamers. These as I stated in a former letter are run on account of the Gov^t of Costa Rica & under its flag. The "San Carlos" goes to night to Virgin Bay to convey the General, who returns to San Juan del Sur for the purpose of taking the steamer "Columbus" to Punta Arenas & Costa Rica. I was not mistaken in the motive of his sudden return from Costa Rica. It had relation to my coming hither & to the fact that the United States favor the rights of Nicaragua in reference to the transit. A project had already been raised for a consolidation of the two States (Costa Rica & Nicaragua) as I wrote on the 10th Aug. from Cartago.[4] The disinclination now known to Costa Rica of the U. S. to favor the pretensions of the latter, has given fresh impulse to those who favor the project, as the means of accomplishing what is expressed in the despatch to me of 30th July as a principal object of the govt. at Washington—viz, that the route shall be under a "sole jurisdiction." I do not believe that the elements of union exist, or that the consolidation can be effected; but if it were possible I think it would be desirable, a means of increasing the power & prosperity of the Isthmus. The subject was mentioned in the conversations to which I have

[1] The omitted portions discuss the political situation.
[2] Special Agents, vol. 30. Received November 9.

before alluded which I had with the President of Costa Rica. He expressed himself against the project, & I think sincerely; for the reason that he (& his family) govern despotically the State of Costa Rica & it is certain that they could not do so with the Nicaraguans attached. The reason that he gave, however, was the turbulent character, & liability to civil wars, of the inhabitants of Nicaragua, in contrast with the general disposition to order & submission to authority of the people of Costa Rica. There is certainly force in the reason which he gave for not favoring the project of union; but his real opposition is grounded in what I have above mentioned. The general sentiment of both States is in favor of the Consolidation—the name proposed—"Republica del Istmo." It would make a splendid & commanding State.

I met yesterday the two Presidents—Martinez and Jerez. They were prepared at all points, both by information from Washington and from Costa Rica; & although they expressed themselves gratified at my arrival, & at the nature of the communications I had to make, there was an evident constraint & doubt, which must have been communicated from Costa Rica.

I am indebted to the courtesy of Genl Cañas for the opportunity of sending this letter.

I respectfully request your attention & good offices in the matter of a communication which I have had the honor to address tonight to the President.[1]

Most respectfully [etc.].

1398

Henry Savage, in charge of the Legation of the United States in Guatemala, to Lewis Cass, Secretary of State of the United States [2]

No. 27 GUATEMALA CITY, *October 2, 1857.*

SIR: In reference to my last despatches N° 26.[3] enclosing a decree of the Govt. of Costa Rica, relative to a projected invasion of Wm Walker, I mentioned therein, that the Government of Costa Rica, had transmitted the said decree to the respective Governments of the States of Central America, with a view of its adoption by them.

I now enclose herewith, a decree, dated Managua August 31st 1857.[4] by which it appears that the Government of Nicaragua, will also adopt similar measures towards any armed men, landing on the shores of Central America, under the authority of Walker or his agents.

Respectfully I am [etc.].

[1] Not found. Presumably, it would be among the Buchanan (White House) papers.
[2] Despatches, Guatemala, vol. 2, No. [illegible]

1399

Antonio José de Irisarri, designated Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *October 8, 1857.*

SIR: It is the solemn duty of every independent State to maintain its national dignity as well as to preserve its sovereign rights; but there are such crises in the affairs of nations that some of the usual forms of diplomacy, some of those mere points of etiquette, may well be dispensed with. In such circumstances the necessity of the case furnishes the proper rule. Such a condition of things now exists in the affairs of Nicaragua and the relations between that Republic and this.

Nicaragua unhappily has been the scene of frequent and sudden revolutions. Her internal dissentions and strifes have produced her national weakness and invited the attacks of the corrupt and the wicked. From such an attack upon her sovereignty and national rights she has just been freed. But scarcely had the last one of these miserable fillibusters been expelled from her territory, when we find the same contemptible leader—who only has ability enough to perpetrate crime—ready again to invade our shores and repeat the same outrages so lately enacted by him—

Can the United States government prevent this new invasion? It can. But not by means of the neutrality laws, for these are too weak, as experience has repeatedly proved, to restrain the defiant and mad enterprizes of fillibusterism, that scandal of the age. But this government has the power sufficient to prevent the projected invasion by the performance of an act of simple justice and comity towards a weak but friendly and confiding people. It has only to receive the duly appointed Minister of Nicaragua in his official character, enter into a treaty of friendship and commerce and to protect the property of its own citizens, securing to them the transit across the isthmus without interruption, and fillibusterism is destroyed and a people that expects to have their offers accepted by the United States would enjoy peace and security. This simple act so just, so politic and so proper, would restore hope and confidence to my country, contentment and happiness to the people and at the same time secure the most lasting benefits and advantages to the citizens of the United States. Will this government continue to refuse to

shall be compelled to leave the city on Monday of next week with feelings of the deepest regret for having failed to secure the object of my continued exertions.

I am [etc.].

1400

Antonio José de Irisarri, designated Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

BROOKLYN, NEW YORK, *October 16, 1857.*

EX: SIR: I inclose to you the Official Gazette of Nicaragua of the 15th of August last, through which one of the Ministers of Nicaragua proposes, to the Government of Costa Rica, the appointment of Commissioners to treat on the consolidation of the two nations into one.[2] The object of this Union

[1] Notes from Central America, vol. 2. Received October 17.

[2] The following is a translation of the communication, dated August 12, 1857, in the *Gaceta Oficial*, of August 15, 1857, containing the Nicaraguan proposal:

GACETA OFICIAL—AUGUST 15, 1857

(*Department of Foreign Affairs of the Republic of Nicaragua*)

MANAGUA, *August 12, 1857.*

To the Minister of Foreign Affairs of the Republic of Costa Rica:

In an hour, fatal to Central America, the federative compact of 1824 was broken, substituting to it the general interests of the Republic. It is not my intention now to speak of the enthusiasm of madness, with which the preponderating districts of each State purposed the creation of five nations, each of them provided with all necessary means to stand up before the others, in all the suitable greatness and respectability; although the experience of thirteen years had taught us that, even embodied into one single nation, we had been far from possessing those exalting qualities; nor, Mr Minister, shall I speak of that transformation—one worthy of our inexperience—of which, all of us Central Americans, who witnessed it, are the accomplices. My duty commands me to address you on a subject, the most favorable to Central America and especially most urgent for the prosperity of Costa Rica and Nicaragua and for the safety of their independence.

With the nullification of the National Government, the very first difficulty, which arose between both Republics, was that Costa Rica retained, and that Nicaragua claimed, the district of Guanacaste. To this question was added that of the boundaries of the States—a question, the more difficult of solution, as Costa Rica advanced extensive pretensions and Nicaragua attached equally great importance to her rights.

It was natural, therefore, that these dissensions should have subserved the interested views of more powerful states, and that their intermeddling should have daily and further adjourned a settlement, Pretermitting, however, such disagreements, which have disappeared before the common danger, which summoned us into union for the defense of our territory; it is now necessary that our undivided attention should centre on this important point: "the direst of the evils, consequent on the destruction of the National Government, is the Surrender of Central America to the incursions of *filibusterism*."

Such is the conviction of my government and it has constrained it to stimulate the other governments of the Union to constitute a Board of Commissioners, appointed "*ad hoc*"—Since they have not been able to come to an understanding for a Diet, and, much less, for a National Con-

is to fortify Nicaragua against the invasion of fillibusters, by which she is threatened; but as Nicaragua, as she believes, might attain the same object by means of a treaty, protecting the transit, with the United States of America; the object of the Union alluded to would cease to exist.

I have written to the government of Nicaragua to wait a while longer, before entering into negociations with Costa Rica; and by the Steamer of the 20th current, I will write to the government to the same purport, begging them not to decide any thing in relation to Union with Costa Rica, until the arrival of my despatches, subsequent to that transmitted by the mail of the 20th current, in which I promise to advise them whether, or not, the treaty have [*sic*] been concluded with the United States. I am convinced that the fusion between the two States cannot take place, before the treaty signed, will have reached Nicaragua; if said treaty can be made, and transmitted thither, by the first steamer that is to leave New York after the 20th of this month.

The treaty being ratified by Nicaragua, as I am persuaded that it will be, the new government, that might grow out of the Union of the two States would be compelled to accept it as a matter of necessity.

I repeat that the treaty, between this government of the United State[s] and that of Nicaragua, would preclude the necessity of an Union between the two Central American States and that, in such an event, Nicaragua would not obliterate her existence as an independent nation. If it be put in my power to transmit the treaty by the steamer which is to start, on the 5th of November next, from the city of New York; it would, in my opinion, come to hand in ample time to prevent the Union; whilst I believe that this course would avert great evils from both countries and from many individuals.

With highest consideration I have the honor [etc.].

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therefore, called upon to solve this problem by the constitution of a single Republic out of the two States—the Republic of the Isthmus of Nicaragua and Costa Rica. This Union will, no doubt, mark the hour of the political regeneracy of the whole of Central America; and my government, which acknowledges, in your person, a Costarican worthy of such glory, a portion of which would also reflect upon us, has not hesitated, through my humble instrumentality, to urge you, should it be acceptable to you, to the appointment of commissioners—as many as you may deem proper—with the view that, at such point, which is also left to the selection of His Excellency, the President of your Republic, they may meet to confer with Commissioners, of equal number, appointed by my government, on the settlement of a projet of general Constitution for both Republics, consolidating them into one and single nation, to which end the commissioners are to be invested with plenary powers.

I have the honor of communicating the foregoing to you, to be brought to the knowledge of His Excellency, the President of your Republic, begging for a speedy and season-

Gregorio Juárez, Minister of Foreign Affairs of Nicaragua, to William Carey Jones, Special Agent of the United States to Central America [1]

[TRANSLATION]

MANAGUA, *October 16, 1857.*

SIR: The important mission confided to you in Central America by the Government of the United States, and the very marked consideration with which you have been recommended by the Minister of the Department of Foreign Affairs of that Republic, entitle you to the good offices of the authorities of Nicaragua. For this reason you can rely on their co-operation in every thing which particularly concerns you, and in whatever can assist you as the officer of a nation with which my Government is bound to cultivate assiduously friendship and good relations.

It is very satisfactory to me that you have arrived in this country after the revolution has been seen to be happily dissipated under the influence of a provisional Government, strange it is true in the abstract, but natural and effective for its design in practice; for, although no society has been able to exist without government, yet the copious well of the various forms required by the complicated variety of events has not been exhausted. It is true that known forms have been perceived to be impotent in revolutions; at the same time, it is to the combination of the two entities that Nicaragua is indebted for the cessation of the civil war, the movement of progress which is observed in all the branches of administration, the elections which have just been effected, and the unanimity of sentiment in favor of a constitution which affords further guaranties of stability by reconciling Democratic ideas with the preservation of the principle of authority.

We have only, unfortunately, to lament the appearance of new and more peremptory demands of the Republic of Costa Rica against the sovereignty of Nicaragua in her territory and in her pacific rights on the line of interoceanic transit. But notwithstanding the gravity of this question, as important with regard to its object as with regard to the multiplied relations in which it is involved, it is hoped that the mediation offered by the Government of Salvador, and accepted by the Government of Nicaragua, will render all smooth, if the Government of Costa Rica will abstain from its present provocations.

If to this could be added the interpellation which you are authorized to make to that Government in the name of the United States in order that it may respect the rights of Nicaragua, I doubt not it would contribute much to a complete settlement, in which, Costa Rica confining her aspirations within modest and attainable bounds, the transit would be free from the difficulties which will arise from such a contest.

You are already informed of the deference with which the Government of this Republic has ratified the treaties of limits and of mutual defence with Costa Rica; but as that Government has not accepted these pacts, things have remained in the condition in which they were before the war. This circumstance is very worthy of notice, as you must comprehend; and it is for this reason that I call your attention to it.

The marks of confidence with which you have been pleased to favor me have determined me to exceed the brevity exacted by a reserved policy; but, desiring to be no longer troublesome, I conclude by signing myself your humble servant.

1402

William Carey Jones, Special Agent of the United States to Central America, to Gregorio Juárez, Minister of Foreign Affairs of Nicaragua [1]

MANAGUA, *October 17, 1857.*

SIR: The letter which you were pleased to direct to me under date of yesterday,[2] came opportunely to my hands. I am gratified at the expressions of confidence & good will which it contains, and especially with the assurance that the authorities of this Republic will co-operate in those matters which concern it that I am charged with on the part of the United States of the North. For the friendly offer in respect of other matters that I have in charge I am very thankful, & shall avail myself of it.

I have already had the satisfaction to write to the Department at Washington of the nature & character of the provisional authority existing in Nicaragua, and the approaching installation of a government based on a constitutional election.

This I first communicated in letters of the 27th ult from San Jorje [Jorge].[3] Subsequently; with more confidence, because of fuller information, in letters from Granada of the 2nd inst,[4] and recently in letters from this Capital, I have not hesitated to assure the Department at Washington of a peaceful result to the elections that have taken place, and the institution in pursuance of them, of a government that shall combine the qualities of fact and law. That this information will be well and pleasurably received by the government and people of the United States I should be warranted in saying, from knowledge of the sentiments of those authorities and of my fellow-citizens in common towards the Republics of this continent.

Happily I am able to give you further assurance in this respect. In the

letters which the Department of State at Washington has been pleased to direct to me I am constantly instructed that the United States, desiring in all respects the prosperity and happiness of the States of Central America, have an especial desire that they shall establish and maintain solid governments.

You will know therefore that it was very agreeable to me to make the communications which I found apt to the domestic politics of this State. As to the exterior, the government of the United States will know with regret that the question of limits between Nicaragua and Costa Rica remains open; & with still more regret that the government of Costa Rica holds, and shows an intent to hold, positions on the river San Juan and Lake Nicaragua which may affect the exclusive jurisdiction that belongs to Nicaragua on that line of interoceanic transit.

It is the opinion of the government of the United States that the government of Costa Rica in inaugurating the war of which Nicaragua was lately the scene, precluded its-self by its public declarations from any territorial acquisitions or advantages in the result of it; and that therefore if the two States still differ as to a divisory line, the position in which they were anterior to the war ought to be restored, both in respect of fact and law, that is, leaving the Republic of Nicaragua in the exclusive jurisdiction of the transit. It is further the opinion of the United States that the route by way of the river San Juan and Lake Nicaragua ought to be under a *sole* jurisdiction, and that that jurisdiction ought to remain with the State which, in full possession of it, heretofore granted the use of it.

In this view, I am instructed to "remonstrate" with the government of Costa Rica in the event that it shall come to my knowledge that that State proposes to avail itself of the casualities of the war to hold territory or military positions not before in its possession, and which may make the interoceanic communication liable to interruption.

Further, I am directed, in that case, to bring to the mind of that government the declarations of disinterestedness by which it made its justification in the opening of hostilities with a view to propitiate the sympathy & procure the co-operation of these States.

The United States observe as a rule non-interference with questions exterior to their limits. But with regard to the Republics of this continent they necessarily feel an especial interest, as having themselves made the example of renouncing the control of a metropolis in the other hemisphere, and establishing republican instead of monarchical institutions in the new world.

This sentiment of sympathy and friendship might sometimes and with propriety, induce them to proffer as between contending States on this continent their good officies, though the questions at issue should not, beyond that friendly regard, have an interest further. But in the present

refered to.

Secondly, in respect of their peculiar positions as embracing communities that border on both oceans, but with an immense non-populated district of country between them, and therefore requiring for their political, commercial, and social intercourse the use of those parts of the continent that offer easy communication from one to the other sea. And third, as one of the great maratime and commercial nations, concerned in the freedom of the seas and the non-interruption of the routes between them.

The United States have the opinion therefore that they may with entire respect to the States of Nicaragua and Costa Rica, present themselves in the pending question and even to say that they would regard as an act unfriendly to them any measure that should look to keeping the transit out of use, or, in case of its being opened, to make it liable to interruption.

And in this category will be classed by the United States, whatever attempt on the part of the government of Costa Rica to take jurisdiction of, or occupy militarily, the river San Juan, the Lake of Nicaragua or any part of said route.

I am glad to know through your very acceptable note that the Republic of Nicaragua has not the intention, from any real, or supposed pressure of circumstances, to abandon the immense advantage that the possession of that route affords; hence, that the friendly recognition which the government of the United States accords to the ancient jurisdiction and sovereignity of Nicaragua in that entire line will not be forfeited for want of firmness on the part of this Republic.

In respect of this subject, I am instructed by the Department at Washington to "communicate freely" with the governments of Costa Rica & Nicaragua, and I am warranted in saying that the United States will not willingly see the jurisdiction of the route of transit divided, nor any control over it, or interference with it, exercised by more than one sovereignty.

Beyond this, the United States do not propose to make any suggestion as to what line, or on what terms these coterminous States shall compose the questions between them.

"Keeping in view," as I am instructed, a sole jurisdiction of the transit, the government at Washington will be glad to know of an arrangement by the concurrence of the two States, without extra-territorial intervention; and any arrangement thus mutually made which shall, as before set forth, preserve intact the transit, will have the cordial good will of the United States, and, as far as they are concerned, need not prevent the accordance of the free navigation of the river to the citizens of Costa Rica. I am further instructed however, and this is a point that I approach with delicacy; that

The prosperous advancement of the two Republics, Nicaragua and Costa Rica, requires it; and the positions and interests of the United States, it is hardly beyond reason in me to say, render it for them imperative.

The convention for that object which was made on the 6th July last by the special commissioners of Nicaragua and Costa Rica, (but not finally concluded) is known to me. In view of the relations that it was the intention of the government of the United States I should have with the authorities of these Republics, their friends and neighbors, it will not become me to express an opinion as to the precise limits that ought to be acceptable to the two States, nor to say more in that particular than I am specially instructed, namely, that pending a final settlement the Statu-quo ought to be restored and the settlement its-self to provide for a jurisdiction intact of the transit.

On this latter point I am confident that the Honorable Minister whom it is my privilege to address, will pardon me for the suggestion that the convention alluded to is hardly as clear, as in a complete arrangement would be desirable.

With that point made unequivocal, should the two contracting parties agree on the terms of that convention, no other State would have a right or a disposition to interpose, and the honorable gentleman and commander (General Cañas) to whom Costa Rica had the sagacity to submit the negotiation on her part may have the consciousness that he has not lost anything to his country.

In case a mutual arrangement cannot be speedily made I am instructed to suggest that the mode of arrangement mentioned in the sixth article of the treaty concluded 9th of April 1850, between the government of the United States and that of Great Britain, known as the Clayton & Bulwer treaty be resorted to. The friendly offices which, as I learn by your estimable note, have been invited by this government from that of Guatemala will I trust supercede the necessity of looking to the mediation of States more removed.

In either event, the friendship and good will of the United States toward the States of Central America and the fixedness of the upright & impartial judgement which they have formed in the case directly in consideration, may be relied on. It will give me much satisfaction if it should happen to me to co-operate with the representative which the State of Guatemala or any other of the States of Central America may empower to advise in the pending question; and it would be with pain that I should communicate to the government at Washington that internal negotiations had failed.

If the views of the United States as they are above expressed can be of any service in procuring a speedy solution of the question, this note will

1403

Henry Savage, in charge of the Legation of the United States in Guatemala, to Lewis Cass, Secretary of State of the United States [1]

No. 29 GUATEMALA CITY, *October 17, 1857.*

SIR: With my despatche N° 27.[2] I forwarded to your Department, a decree of the Government of Nicaragua, in relation to the projected invasion of that State, by Wm Walker and others. I now transmit one of the Government of Salvador, published in the Gazette N° 45 herewith enclosed, wherein that Government adopts the decree of Costa Rica, with respect to said invasion.

In the same paper, is also published, another decree N° 100. of the Government of Nicaragua, to which I have to call your attention; it purports to declare that in the event of any attempt at invasion of any of the Central American States by filibusters, the transit route, shall be closed, unless the Government of Nicaragua be aided, by the transit Company, to repel the filibusters.

Respectfully, I am [etc.].

1404

Gregorio Juárez, Minister of Foreign Affairs of Nicaragua, to William Carey Jones, Special Agent of the United States to Central America [3]

[TRANSLATION]

MANAGUA, *October 21, 1857.*

SIR: Desiring to supply you with the information which you request of me in your estimable despatch of the 17th instant,[4] I have placed in your hands printed copies of the decree No. 139 of the 19th instant, and on the back thereof the communication of Colonel Cauty, addressed to the commander of the Fort of San Carlos, summoning him to surrender and deliver that fort to the Costa-Rican forces.

The said Colonel, on board of the Steamer San Carlos, then captured a piragua which was sailing on the lake with Nicaraguan passengers who were

[1] Despatches, Guatemala, vol. 3. Received December 5.
[2] Above, this part, October 2, 1857, doc. 1398.
[3] Special Agents, vol. 20, enclosed with Jones to the Secretary of State, November 2, 1857, below, this part, doc. 1406.
[4] Above, this part, doc. 1402.

bound abroad, and took said passengers prisoners. He lately captured another small boat, which he sent to Rivas with his own oarsmen, notifying the Governor in writing of the blockade which had taken place, and offering to treat the towns of this Republic with kindness.

This Government, following always that course of prudent moderation which it has proposed to observe towards the neighboring Republic, has addressed a circular to all the governments of the other States,[1] and princi-

[1] A translation of the text of the circular to which he refers, also enclosed with Jones to the Secretary of State, of November 2, 1857, below, this part, doc. 1406, follows:

[CIRCULAR—TRANSLATION]

MANAGUA, NICARAGUA, *October 19, 1857.*

MR. MINISTER: Under this date, this Department has said to the Governments of Salvador, Honduras, and Guatemala what I copy:

"A communication has just been received, to which the Governor of the East annexes the original summons, made by Colonel Cauty to the commander of the Fort San Carlos, calling on him to surrender or submit to the sufferings and inconveniences of a rigorous blockade, the same pretext being employed that has always been employed, 'the better custody of that place against the present threats of fillibusterism,' and it being added that 'the object of this act is the arrangement of certain political matters, on which depend the commercial interests of all Central America, which interests the present Government of Nicaragua cannot sufficiently guaranty.'

"The designs of the Government of Costa Rica, as made known through the medium of its subordinates, go so far, as you must very well perceive, as to demonstrate, without so stating, the right of Nicaragua to the extent of her dominions, and to expose all the injustice of that Government's pretensions in the very act of discussing them; for when Colonel Cauty says that it is necessary to observe that his Government by this act only has in view the better custody of that position against the present threats of fillibusterism, he pretends to set aside all idea of usurpation, and in this manner acknowledges the sovereignty of Nicaragua. If this is the case, as ought not to be doubted, and the Government of Costa Rica believed that the Fort of San Carlos was not sufficiently guarded, and that the present Government of Nicaragua is unable to protect the Castillo Viejo and all the positions on the line of transit, why dispense with a friendly interpellation with a view to this Government's complete discharge of its duty? For such an interpellation there might be just cause in the risk and dangers to which the Republic of Costa Rica sees herself exposed—she who is so much interested, as are all the States of Central America, in the security of the national independence; and then, if the Government of Nicaragua were unwilling or unable to afford the requisite security, it is unquestionable that Costa Rica or any other of the States would have the right to do itself what this Republic could not accomplish towards affording a guaranty that is needed for the preservation of their independence. But such an accusation not having been first made, and there not having been even any reason for making it, seeing that Nicaragua has all the power necessary for guarding the Castillo Viejo and the Fort of San Carlos, especially when the whole Republic beyond contradiction obeys the present Government, from whence does Costa Rica derive her pretended right? Moreover, the summons of Colonel Cauty reveals the design which that Government entertains of committing hostilities against Nicaragua in order to compel her to settle certain political matters on which depend the commercial interests of all Central America. This revelation explains too well that the settlement in question can be nothing else than the approval by the Government of Nicaragua of the contract of transit made with Webster and Harris, and that this Republic may be despoiled of its exclusive right on the Isthmus, in virtue of which it has contracted for the opening of the interoceanic canal and the established transit used since the year 1851, although temporarily interrupted by the war which has just closed.

"My government, in view of what is prescribed by public law in cases like that

and urging the last to carry into effect what it had offered and what had been accepted by the Government of Nicaragua. This step satisfies in part the wishes which you express in your despatch of this date [1]; and I can assure you that if it is not effectual in restraining the advances of the Government of Costa Rica, this Government will adopt such one of the others proposed by you as may seem the most prompt [and?] convenient.

While it is the duty of the Government to put itself on its defence, in order not to permit the Government of Costa Rica to seize the whole line of transit and to aspire to establish by that act a right conquered by force. Nicaragua, with three hundred thousand inhabitants, will not consent that a

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the honor to enclose to you for the knowledge of his excellency the President; and it has ordered me, on making you acquainted with this disagreeable event, to do so with the explanations which I proceed to make.

"My Government has been far from supposing that matters would arrive to such an extremity, in consideration of the prudent and measured course which it had proposed to itself to follow, and which it has followed in presence of the aspirations of the Government of Costa Rica; but unfortunately events have not corresponded with its expectations, and it is now placed in the most difficult of positions, which is that of defending the rights of the Republic, without the cause of the war being imputable to it. But laying this aside, and referring only to the manner in which Costa Rica makes war on Nicaragua, it is very worthy of observation that she has begun her hostile acts without a previous declaration of war, according to the usage of nations. . . .

"The Government of Costa Rica, refusing all intercourse and without deigning even to reply to the invitation, which the Government of Nicaragua gave to it on the 12th of August, for the fusion of the two Republics into one, retains the fortress of Castillo Viejo, stations forces at Tortuga and at other points on the line of San Juan and of the lake without the consent of the Government of Nicaragua, and finally commences hostilities by summoning the Nicaraguan forces to evacuate the Fort of San Carlos, omitting the preliminaries and public declaration of war which prudence and natural equity call for and which international law exacts.

"Lastly my Government considers that the Republic of Nicaragua, in use of the right of postliminy, is under the necessity of recovering the things which have belonged to it, and which are in the power of the Government of Costa Rica, as taken from the enemy during the war. . . . [This omission consists chiefly of quotations from writers on international law in support of Nicaragua's position.—Ed.]

In consideration of what has been set forth, and of the antecedents of which I have informed you, in regard to this question, my Government does not doubt that his excellency the President of that Republic will render to Nicaragua the justice she deserves; and if through the want of consideration with which this Republic has been treated by the Government of Costa Rica the war which it provokes should cause the independence of Central America to be again put in peril, let the whole burden of responsibility fall on her who, contrary to all rule, contrary to all principle, contrary to all law, contrary to all justice, rushes forth on the road of events, scorning the impressive judgment of wisdom and the imperious voice of civilization.

My Government, however, believes it has the right to be considered as having the most benevolent disposition to establish between the people of Nicaragua and the people of Costa Rica the most intimate and cordial understanding, since it has invited that Government to join in the erection of a single Republic to be composed of the two Republics; and which proposition has not in anywise been impaired by the disagreeable events which complicate the present situation; and it would be very satisfactory if your Government, by intervening in the present controversy, should succeed in establishing peace, to which the citizens of both republics have a right to aspire.

With such an object, I state this to you, entreating you to be pleased to communicate it to the Supreme Government of that Republic, and to accept [etc.].

Republic one-third her size shall impose on her; but neither will she reject arrangements which the common security and mutual convenience of the two countries require, provided this can be done in such a manner that Nicaragua shall not appear as a conquered State and obliged to receive the law from her conqueror, as Señor Irisarri so judiciously intimates in the despatch of the 31st of August, which I exhibited to you this very night.

Such, then, are the occurrences which have taken place up to this date, after those with which I have made you acquainted; and we are confident that the Government of the United States will promptly be informed of all through the medium of yourself, in order that that cabinet may have a just idea of what is happening here in regard to the impediments which the Government of Costa Rica is causing to be offered to the re-establishment of free trade for the benefit of the maritime commerce of the nations.

Without saying more to you at present, I have the honor [etc.].

1405

William Carey Jones, Special Agent of the United States to Central America, to Gregorio Juárez, Minister of Foreign Affairs of Nicaragua [1]

MANAGUA, *October 21, 1857.*

SIR: Without waiting for a direct notification of the circumstances that menace the river San Juan with a renewal of war, and consequently the further & indefinite interruption of the interoceanic transit by that route, I think it proper, in view of the preparations which I see making, & of the rumors that with apparently good foundation come to my knowledge of differences approaching to hostilities between the States of Nicaragua and Costa Rica, to revert again to the suggestion of the government of the United States, that in case these Republics cannot settle their dispute by mutual concurrence, they should have resort to the mode indicated in the "Clayton-Bulwer treaty," art. VI.—namely, through the "good offices" of the powers between whom said treaty was made. But that is not the sole alternative that presents itself, or that has occurred to the United States; for I am instructed that there are "*many modes* by which a peaceful & honorable adjustment" may be made, & arms avoided. Among these, I believe that I am warranted in saying, none would be more agreeable to the United States (as none, in my opinion, would be more appropriate or naturally to be looked to,) than through the mediation of other States of the Centre. And surely in those States, or in the other of the States that have a just pride

in calling themselves Hispañolan-America, or in the ancient and honorable Peninsula itself, these two contending Republics, should they not find the offices of the potencias concerned in the treaty above mentioned acceptable, may agree on a reference to some power or powers in whose impartial judgement both would be willing to trust. It has been formerly proposed in fact by Nicaragua that the government of Spain, as still entertaining a parental regard for the independent States that compose the vast empire in which she planted her children, language & lands, on this continent, & as having the best means of forming a correct judgment in the premises, should be selected as umpire in the present dispute. That reference I think would be quite acceptable, provided, pending it, restoration of the *statu quo antebellum*. The justice & propriety of this condition can hardly be disputed; since certainly the government of Costa Rica cannot claim to have increased her rights either of propriety or possession through the hostile operations lately concluded.

The instructions and despatches which the government at Washington has sent to me are urgent to a high degree in respect of preventing the bordering frontiers of these States from becoming again the scene of hostilities. You may, for that reason especially, and because of my own convictions that the preservation of peace is to the common interest, rely upon whatever offices I can render to that end, either personally, or as the assent, & authorized to express the views, of the government of the United States; and either alone (should it so be necessary) or in coöperation with the representative or representatives of other powers.

Permit me again [etc.].

1406

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACT]

VIRGIN BAY, *November 2, 1857.*

SIR: I have arrived here this morning from Managua expecting to have reached here several days sooner prevented from circumstances—absolutely beyond my controll, having been left thru several nights by the treachery of the persons appointed to conduct me virtualy a prisoner upon the Beach of Lake Nicaragua. As it is possible that the Steamer for Panama may pass San Juan del Sur to day, in anticipation of her time I think it more prudent

pretty nearly from the correspondence that has taken place between this Goverment and myself in which copies are herewith sent[1] what the

[1] Above, this part, *passim;* and the following three documents appear to have reached Jones as enclosures with the communications to him. At least, they also reached the Department of State, enclosed with this despatch of November 2, 1857, from Jones:

Joaquín Bernardo Calvo, Minister af Foreign Affairs of Costa Rica, to [apparently] the Minister of Foreign Affairs of Nicaragua

[TRANSLATION]

SAN JOSÉ, COSTA RICA, *August 5, 1857.*

SIR: The Government of the undersigned has examined the treaty of territorial limits between the Republics of Nicaragua and Costa Rica, concluded at the city of Santiago de Managua on the 6th of July of the present year, by Plenipotentiaries authorized to this effect. Although at first sight it would seem that Nicaragua, animated with gratitude for the assistance which the Republic of Costa Rica had lent her in her moments of need, had made a sacrifice in cutting the question of limits pending so long between the two Republics, and consequently that the latter is the gainer by the stipulations of the treaty, the slightest examination will be sufficient to show that, far from being favorable to Costa Rica, the treaty is very wide from the demands which, at various periods and resting on the most indisputable justice, she has made in regard to this matter. The Government of the undersigned flattered itself that, as this was the most suitable opportunity to eradicate forever a question which is baleful to the two countries, the treaty would accomplish so important an object. It has therefore much regretted that all the justice which it believes to be its due has not been rendered to it; and it regrets it the more because the dividing line which is drawn is not only prejudicial to the interests of this Republic, but perhaps also to those of the Republic of Nicaragua. The contract proposed, in the conferences with General Cañas, is, in the opinion of the Government of the undersigned, a just and reasonable one, because it is founded on documents for a long while exhibited, and especially because reasons of the existing period render it necessary, if not indispensable, to the security of the two Republics. This is why it deplores its non-acceptation; for this incident, putting away the happy moment for destroying at once the present causes of complaint, encourages the common enemy to venture on enterprises which a solid union based upon fraternal feelings would prevent from being carried into effect. And it is certain that, if the desires of Costa Rica had been acceded to, the results would have been, without any doubt, in the highest degree favorable to the future lot of the two sister Republics, inasmuch as a new chain of union and of deference would have drawn closer and closer the existing relations and cemented forever that harmony and mutual confidence between the two nations which are so necessary for their advancement, stability, and common defence, especially under the circumstances of their very independence and domestic peace being threatened by new incursions of the enemies of our race and of our land. Consequently the Government of the undersigned, still entertaining the hope that a favorable opportunity may arise for attention to its just demand, finds itself now compelled to declare that the treaty which is cited is inadmissible as regards the dividing line which is described in it, and abstains, therefore, from soliciting the appropriate sanction of the most excellent National Congress so long as the desired amendment is impossible. Nevertheless, as the non-acceptance of the treaty, in the terms set forth, in nowise alters the frank and friendly relations of the two Governments, that of the undersigned calls the attention of yours to the contract of inter-oceanic transit, the principal object of which is that a respectable Company may on its part prevent the new incursions of the pirates; for unless it is concluded and ratified, our independence and nationality will be exposed to greater or smaller attempts of the same enemies whom we have combated, or of others who, perhaps, with more daring and fury, may wish to seize what only belongs to the dominion of Central America. The undersigned does not think it useless to state here that, although the Government of Costa Rica has maintained possession of the Castillo, and is determined to keep it in its possession by the power of its arms, it does not design to cause any ill to Nicaragua, but

GRANADA, NICARAGUA, *August 15, 1857.*

SIR: Informed as I am, although quite late, owing to the little frankness exercised by your Government towards the fraternal and neighboring Government of Costa Rica, that a contract in relation to transit, made on the 19th of June last, by Señor Don Antonio Irrisarri, in the United States, with the Canal Company, has been ratified; which contract, besides being improper for many reasons, forbids the Government of Nicaragua from entering into any other negotiation on the same subject; and the only object which detained me in this Republic being to procure from your Government its sanction to the transit contract made by my Government with Messrs. Harris and Webster, I have determined to withdraw to Costa Rica, and omit the usages established by civility as they have not been employed towards me, I having been kept here under the pretext that your Government was at full liberty and in the best disposition to become acquainted with said matter of transit. But I believe it my duty not to leave this country without making, before you, for the knowledge of your government, the following protest. Let the Government of Nicaragua be responsible, and not the Government of Costa Rica, for the evils which befall Central America in consequence of the trifling and inconsiderate ratification of the contract made by Don Antonio Irisarri on the 19th of June last, in the United States, in the name of the Government of Nicaragua, with the Canal Company. Let it be responsible, too, in case the relations between Nicaragua and Costa Rica should be disturbed in consequence of the said contract and the ratification thereof, and war be the result between the two countries; seeing that Costa Rica,—supposing good faith in the Government of Nicaragua, which offered to suspend all negotiation in regard to the transit until Costa Rica should be free from the engagement she had contracted to insure the conclusion of the war with the fillibusters of the north, and under which understanding was opened the negotiation with which I was charged, and which was suspended only for want of documents,—found no inconvenience in giving full effect to her last engagement. Be it likewise responsible for what may happen if Costa Rica shall forcibly oppose the execution of the said contract, which she will do, and has the power and the right to do within her own territory. And be it responsible, in fine, for the attitude which other States of Central America may assume, for fear that Nicaragua, by her blunders, may again involve them in a new war with foreigners. It is with pain, Mr. Minister, that I find myself under the necessity of addressing you this document, which contains expressions that never ought to have been uttered by the officer of a Central American Government; but the course lately pursued by your government has given rise to this extreme.

Be pleased, notwithstanding this, to accept the sincere wishes of friendship and esteem [etc.].

[TRANSLATION]

General Ministry of the Supreme Government of the Republic of Nicaragua

No. 148 MANAGUA, *October 22, 1857.*

TO THE PREFECT OF THE DISTRICT OF ———,

The Supreme Executive Authority has been pleased to issue the following decree:

The Supreme Government of the Republic of Nicaragua to its inhabitants.

The Government, being informed, through its Minister Plenipotentiary at Washington, in his despatch No. 34 of the 31st of August last, that the honorable Mr. Carey Jones, residing at this capital, is an agent of the Government of the United States specially charged with the duty of giving information in regard to matters of great interest to Nicaragua and to all the States of Central America, has determined to decree and does decree:

Art. 1. The authorities and functionaries of the Republic of whom Mr. Jones solicits information and assistance in the fulfilment of his commission, shall furnish the same, and render this service with the greatest punctuality and accuracy.

ers in possession of the Goverment of Costa Rica reached Managua about sixteen days ago. My relations with the Goverment of this Republic were such as to induce the Functionaire of it to make a common request of me to undertake the passage of the Blockcade in my official capacity. From the nature of my instructions and especially of the letter of 30th July [1] in which I was so particullay informed of the views of the department, I considered the objects to be attained and the information that I could therefore forward by the making passage of the San Juan River and observing for myself, I thought that to be the most immediate of my duties. I therefore assented to the solicitation of the Goverment of Nicaragua; and propose still to return from San [Juan] del Sur & if I shall be furnished with a sufficient Boat & crew to go down the River to San Juan del Norte & communicate with the Captain of the Saratoga & report to the department by the first British Steamer, I am further induced to this enterprise thinking that the department has corresponded with me through the Commercial agent there. And as it is a long time since I have received any direct communication from the department and one which I did receive was in duplicate and I may therefore suppose that the original was sent by some other route.[2] . . .

You will perceive by the copies of papers which have been furnished to me by the Goverment of Nicaragua that as early as June last the Goverment of Costa Rica refused to deliver the fortress of "Castilla Viejo" and refused also to confirm a Treaty of limits with Nicaragua which gives to Costa Rica the free passage of the River San Juan for her importations & exportations quite as much as according to my instructions agrees with the views of the department. I have therefore not hesitated to make known to the authorities of this State and by such means as have been in my power to the Goverment of Costa Rica & to the authorities of the other States of Central America that it was the oppinion of the United States that the Jurisdiction of the entire Transit route ought to be *sole* & not divided and that that Jurdisdiction ought to remain with the State (namely Nigaraguia) to which it had previously belonged: and that Costa Rica was precluded by her p[re]vious declarations from converting the war which was concluded through the intervention of Captain Davis of the Sloop St. Mary[s] by the capitulation at

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Art. 2. The Minister General is charged with the fulfilment of this decree, and with the duty of communicating the same to Mr. Jones.

Given at Santiago de Managua, on the 22d day of the month of October, 1857.

GREGORIO JUÁREZ.
ROSALIO CORTES.

To Don Macario Alvarez,
Minister General.

And by supreme direction I enclose it to you for your knowledge and fulfilment thereof

of boundery ought to be restored to the condition in which it was before that War and at all events the Jurisdicition & non interruption of the Transit.

I fully explained these views to Genl Hosi [José] Cañas at Granada on the night of the second October when he was on his immediate return to Costa Rica with the view that through him the Goverment of Costa Rica should be informed of the facts. In former letters I expressed the decided oppion [*sic*] that the sudden return to Genl Cañas to this State had connexion with my coming to it, I am now quite certain of the fact, and am nearly certain as non demmonstration will admit of that the two weeks detention which I suffered at Punta Arenas were caused by secret influence and would have continued if such an opportunity as the Steamer Columbus had not offered. —Nothing here is intended to reflect on the personal character of Genl Cañas.

A second object of the visit of that General and Diplomat has developed itself in the present operations of War. He purchased while here large supplies of Provisions & secretly provisioned Castilla [Castillo] Viejo as a *point d'appui* for the war then contemplated for the possession of the Transit. The old war was for the same object. The department may be assured that Costa Rica intends by all means in its power to controll the River San Juan and not permit the opening of the Transit except by a monoppoly which will be in a large degree personal; And that no "good Officers [*sic*] or" friendly intention will opperate against the cupidity and revengfull animosity to which the Chifis [*sic*] of that State are stimulated.

If it should so happen that by this conveyance I shall not be able to communicate with my Family I request that Mr Appleton will make known to them that I am here and well & the intention that I have of proceeding directly to San Juan del Norte:—in short, the whole contents of this letter.

I have [etc.].

1407

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

Confidential WASHINGTON, *November 9, 1857.*

MY DEAR SIR: I have the honor again to address you, confidentially, in reference to the affairs of Nicaragua, which extensively affect those of the other Central American States and, in no slight degree, those of the United States.

The seizure of Fort San Carlos, by the Costa Ricans, deprives Nicaragua of a point, which is the key of the passage through that Isthmus, which now

Fort; the act is not the less unjustifiable, and it would appear that, in its commission, the Costaricans, although its instigators, had less to do than had those foreigners, who have, for a long time, been plotting to despoil Nicaragua of one of her most important points, for their own advantage.

Nothing, connected with that act, nor indeed with what we may probably witness hereafter, has either been, or can it be, to my mind, a cause for surprize. I had foreseen it and, with the view of avoiding it, I have desired that this government should adopt those measures, which might counteract the instigations of the foreign power, which I have mentioned, and acquire an influence equally salutary to those countries and the United States; but the day has come, when one of the most serious of the evils, anticipated by me, has taken place.

Could a reliance have been entertained, in Costa Rica and in Nicaragua, that the United States would protect the independence of the former of those republics; no foreign instigations could have induced the Costaricans to commit the unjusti[fi]able act, which they did commit in forcefully occupying, even without declaration of war, the most important point of the Nicaraguan territory.

On the 26th of last month I put the American Atlantic & Pacific Maritime Canal Company in possession of the renewed privilege granted by the government of Nicaragua, for the transit across the Isthmus; and said company were to begin transporting passengers and goods, within ninety days from that date. Now, and whilst communication, through the river San Juan, is suspended, this stipulation can not receive effect; indeed I cannot, with truth, say who, of the Nicaraguans or of the citizens of the United States, are to be the worse sufferers, from the consequences of such an interruption.

I have, heretofore, frankly communicated my convictions to you, as well as my sentiments, on the subject matter of this letter and I hope that you will perceive that no private interest can have swayed my application to be received, by this government, as the Minister of Nicaragua; since I have had, in soliciting such a reception, no other motive than a consideration of the welfare of that Republic, from which great advantages are to be derived by the United States.

With the single desire of checking, at the start, if possible, the fatal consequences of that foreign influence, now prevailing, in Costa Rica; against the independence and the integrity of Nicaragua; I came to Washington to communicate to you all the information within my reach and also to be able to give utterance to my opinions, in the event that it might be desirable to know them. The election of a new President of Nicaragua was to have been published on the 8th instant; but I have no means of saying how many months will have elapsed before I receive official notice of the fact; because

sarily suffer from the delays consequent on the interruption of correspondence through the River San Juan. But be it as it may, it seems to be indubitable, from all advices received from that Republic, that Genl Martinez is the President elect; in other words that it will be a continuation of the same government, that has been operating since the incumbency of Don Patricio Rivas. Should you deem it necessary to have any conversation with me on these points: I will call on such a day and at such an hour as you may be pleased to fix. Remaining meanwhile,

Your very obedient servant.

1408

Antonio José de Irisarri, Guatemalan and Salvadoran Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

WASHINGTON, *November 10, 1857.*

The Undersigned, Minister Plenipotentiary of the Republics of Guatemala and of Salvador has the honor of imparting to the Hon: Secretary of State of the United States that he has seen, in the public papers printed in these States, a letter, addressed to His Excellency and said to be written by the Sonora and Nicaragua adventurer, William Walker, who has unduly arrogated the name of President of Nicaragua, by which he has never been recognized, in the States of Central America, in any of the Spanish American Republics, in this government of the United States, or in any other government of the world, and who never could have been President of that Republic, because the Nicaraguan Constitution excludes any one, not a native of Central America, from the exercise of the Executive Power of that State.

Under the assumption that the letter, alluded to, has actually been addressed by said Walker to the Honorable Secretary of State of the United States; it is the duty of the Undersigned to contradict the assertions, by which the writer has endeavored to mislead this government and to continue deceiving the people of the United States.

Truly astonishing is the impudence, with which this adventurer, expelled from Nicaragua, by her forces and those of all the Central Americans, attempts to constitute himself the champion of Nicaragua. The man, whose course, in that country, was an exclusive one of assassination of the defences of that country, the burner of whole villages, the spoiler of National property, the trampler on all rights, the plunderer of churches, the leader of the foreign stipendiaries which he gathered under his own banner, alone

effect the expedition, which he has levied to recover a treacherously usurped authority, than this claim—that his expedition is not one, hostile to the country, but a peaceful, colonising enterprise! He himself has time and again, and with characteristick impudence, published that his projected expedition looks to a recuperation of power in that country; whilst, in the very letter attributed to him, and addressed to the Honorable Secretary of the United States, he claims for himself the title of "*lawful Executive Power of Nicaragua.*"

This is ample to prove that the expedition, composed of spurious colonists, is, in reality, one of soldiers moving with the design of supporting this dream-begotten Legitimate Executive Power of the Country. But whatever may be the character of this Colonizer and of those Colonists, under a new patent, they cannot set foot on the territory, which they are about to invade, nor be there received, save as real pirates; because in Nicaragua and in Costa Rica, as well as in the other Republics of Spanish America, Walker is held in no other light than that of a traitor to the party which he went to serve in Nicaragua, of an usurper of the sovereignty of that country, of a blood-shedder, whose object was to destroy the defenders of their country; whilst his satellites were nothing else than accomplices of his crimes. In proof of this, I transmit to Secretary of State the decree of the 31st of August last,[1] officially communicated to me by the Minister of Foreign Relations of Nicaragua, by which it will be clearly seen that the expedition, which Walker intends to lead into that Country, under the appellation of colonists, will be received as an expedition of pirates, in view of which communication, through the isthmus, has been ordered to be foreclosed.

Neither in Nicaragua, nor in any Republic of Central America, is any colony desired, formed by Walker, or by any other adventurer, who, like him has dreamed of mastery over its lands, to divide them among his foreign followers. Experience amply teaches there, as well as here, that the thousands of individuals, shipped, as colonists for Nicaragua, from New York and New Orleans, during the course of the last two years, went there with the exclusive aim of waging war against the natives of the land, under the command of an intrusive usurper. And if, with miserable cunning, they can baffle the laws of the United States, which forbid the citizens of those States, to disturb the peace of friendly nations; they will certainly not deceive now, as they never have been able to deceive, the Central Americans; and they must not complain of the fate that may befall them, however hard it may appear to them. Natural law imposes, on the Central Americans, the duty of making an example of the incorrigible violators of the laws of all the nations.

Walker never was, nor can he ever be, President of Nicaragua, [illegible]

to be received and treated in any other manner than that due to bandits and *pirates, by whatever name* they may be known, or from whatever quarter they may come. This is a fact, which grows out of Authentic documents, from the true *Executive Power, national* and not *foreign*, of Nicaragua; and to this should the citizens of the United States rivet their attention, so that they may not venture to follow the private banner of the Adventurer of Sonora and of Nicaragua.

It is of world-wide notoriety that Walker was not elected President of Nicaragua, save by a foreign soldiery, which backed him in the usurpation of the Supreme Power, which could not be vested in him; and wonderful, I repeat it, is the impudence of the man, who pretends to vindicate, as a right, that which bears no other character than that of the worst, imaginable, outrage.

The Undersigned, as Minister Plenipotentiary of Guatemala and of Salvador, and in his appointed capacity, by the Government of Nicaragua, to represent her in the United States, cannot but protest against the contemplated expedition of colonization and peace, to Nicaragua, under the leadership of Walker; declaring that as it cannot be received in that Republic, save as a hostile expedition, it shall be treated by the three States, Guatemala, Salvador and Nicaragua, as one of real pirates. This, the Undersigned has deemed it his duty, to bring to the knowledge of the government of the United States.

The Undersigned improves this opportunity [etc.].

1409

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

No. 1 WASHINGTON, *November 17, 1857.*

As, in article 18th of the treaty of Amity, commerce and navigation, between Nicaragua and the United States, concluded yesterday,[2] it is stated

[1] Notes from Central America, vol. 2. The usual receipt date endorsement is not on the first page of the original, from which this was translated; but, on the back of the last page, is an endorsement, indicating that the note was probably received, November 17.

[2] This treaty, which never became effective, but which is in the Unperfected-Treaties file, W-2, is, excepting a few immaterial verbal alterations and except as indicated below, identical with the one concluded June 21, 1867, which did become effective. In the unperfected treaty between the United States and Nicaragua signed November 16, 1857, at Washington, and the perfected treaty concluded at Managua, June 21, 1867, the following differences were noted:

In the second paragraph of Article XV in the treaty of 1867 (See, Malloy, *Treaties, Con-*

that: "if any such grants or contracts now exist of a valid character," referring to privileges, or to contracts, to perform the transit across the Isthmus of Nicaragua, "it is further understood that the guarantee and protection of the United States, stipulated in Article XV of this treaty, shall be held inoperative and void, until the holders of such grants or contracts recognize the concessions made in this treaty to the government and to the citizens of the United States" &c &c. I, therefore, bring to your knowledge that the only Company, which now holds the privilege of making such transit, is the company entitled the American Atlantic and Pacific Ship Canal Company, to which such privilege was granted on the 22d of September 1849, with addition of the 11th of April '50, and the new addition of the 19th of June 1857, and approved by the government of Nicaragua on the 27th of July 1857. I have deemed it expedient to convey this, for Your Excellency's information, together with the fact that I intend to transmit to said company a copy of the articles of the treaty, which relate to them, to the end that, upon acknowledgement of the receipt of my communication, they may make it appear that they are informed of the contents of said articles and place themselves in a position to enjoy the protection of this government, in the event of their accepting said articles.

With highest consideration [etc.].

". . . The United States shall also be at liberty, *on giving notice to the Government or authorities of Nicaragua*, to carry troops and munitions of war in their own vessels, or otherwise, to either of said free ports, and shall be entitled to their conveyance between them without obstruction by said Government or authorities, and without any charges or tolls whatever for their transportation on either of said routes; provided said troops and munitions of war are not intended to be employed against Central American nations friendly to Nicaragua."

The following two paragraphs, quoted from Article XVI in the treaty of 1867, were not in the treaty of 1857.

"In the exceptional case, however, of unforeseen or imminent danger to the lives or property of citizens of the United States, the forces of said Republic are authorized to act for their protection without such consent having been previously obtained.

"But no duty or power imposed upon or conceded to the United States by the provisions of this article shall be performed or exercised except by authority and in pursuance of laws of Congress hereafter enacted. It being understood that such laws shall not affect the protection and guarantee of the neutrality of the routes of transit, nor the obligation to withdraw the troops which may be disembarked in Nicaragua directly that, in the judgment of the Government of this Republic, they should no longer be necessary, nor in any manner bring about new obligations on Nicaragua, nor alter her rights in virtue of the present treaty."

Article XX in the treaty of 1857, which follows, was omitted in the treaty of 1867.

"It is understood that nothing contained in this Treaty shall be construed to affect the claim of the Government and citizens of the Republic of Costa Rica to a free passage by the San Juan river, for their persons and property, to and from the ocean."

Article XXI, in the treaty of 1857, is the same as Article XX, in the treaty of 1867, except that the Treaty of 1857 says, "that this treaty shall remain in full force for the term of

Davis, Nicaragua, December 29, 1857.[1]

SIR: Impossibility of procuring a boat and men suitable for the enterprise, prevented me from fulfilling the purpose mentioned in my letter of 2d inst[2] of making the passage of the river San Juan— Perhaps it is as well, since I am here at an interesting moment—arrivals of Commissioners from Costa Rica to treat of terms of accomodation. I do not perceive how an arrangement is to be arrived at between the two States which will be consistent with the views expressed in my instructions, and particularly with the letter with which you honored me under date of 30th July[3]— From the opinion which I formed of the character of the government of Costa Rica and the purposes it has had in all the recent troubles, I am convinced that that State will not freely retire from its pretensions, nor consent, except by compulsion, to any arrangement that shall exclude it from a share in the jurisdiction and profits of the Transit— The Commission that has arrived consists of Genl José Maria Cañas and Don Emiliano Cuadra, with Chamorros, a native of Nicaragua, some years a resident of Costa Rica, as Secretary. It arrived to day.— I shall communicate in a subsequent letter whatever I may be able to learn, prior to the departure of the Steamer of the 2d December, of the objects of the Commission, and the terms upon which it is proposed to treat.

Your dispatch of the *8th October*,[4] (with duplicate) came to my hands on the *23d November* by the Steamer "Columbus" at San Juan del Sur, whither I had gone the day previous to await the information or instructions that that arrival might bring—I had hoped to learn at the same time of the receipt of my letter written at San Jorge, in the latter part of September, and at Granada 2d October,[5] relative to the affairs of this State. The newspaper accounts are to the 5th November (one month later than the dispatch with which I am honored from the department,) but do not furnish any-thing touching the objects committed to me. Some letters that I have had the honor to address seem not to have been received. By way of Serapiqui and Grey-town I posted letters on the 10th and again 25th August[6]— I have not since my departure missed a single opportunity to write—The regret expressed in your dispatch 8th October,[7] at the interruption of my relations

[1] Special Agents, vol. 20. Received November 29. [2] Above, this part, doc. 1406.
[3] Above, this volume, pt. 1, doc. 1081. [4] Above, this volume, pt. 1, doc. 1087.
[5] See his despatches of September 28 and October 2, 1857, above, this part, docs. 1396 and 1397.
[6] Neither is included in this publication. Probably neither was ever received. The volume being inaccessible when these notes were being prepared it cannot be positively asserted that they are not therein. [7] Above, this volume, pt. 1, doc. 1087.

with the government of Costa Rica cannot exceed that which I felt, and which I also manifested to the authorities of that State, to the extent, (perhaps even beyond) the limits of self respect and regard for my position. But it ought not to be supposed that the circumstances detailed in my letters of the 2d and 5th September,[1] were the cause of that suspension of intercourse— The minister with whom I corresponded does not place it on that ground, nor even allude to those circumstances. He gives no other reason than that I was not sufficiently accredited— But neither was that the real motive, for I had already been in communication with the Ministry, and in confidential communication with the head of the government, with intimation from him that he preferred a direct to an intermediary intercourse— The real motive was an indisposition on the part of that government to be made authoritavely acquainted with, or to respond to, any views of the Government at Washington adverse to the pretensions of Costa Rica touching the transit, and especially while the result of the contract with Webster, by which Costa Rica was to receive in Cash on the 20th September, a quarter of million of dollars, was pending— It may further be taken as a postulate that the Government of that State is arrogant and insolent, and if it were possible would be exclusive; and it is especially moved by an antagonism to the Government and people of the United States— I am not sure that a stronger motive than even the cupidity of the dynasty does not operate in the desire to control the transit; namely, the supposition given, in its official communication as the motive for the existing occupation of the river and lake, that only Costa Rica can prevent in the opening of the route the use of it to people the country from abroad— I am glad to know that in the estimation of the department I was right to communicate indirectly to the government of Costa Rica those views of the Administration at Washington of which a direct hearing was refused— From that approval I shall not doubt that my subsequent conversation with General Cañas, spoken of in my letter of 2d October, touching the same matters, will have been in pursuance of your intent—

During the month of October I had proposed to myself to return by the Steamer of the 3d November to the United State[s], in order to communicate personally with the President and the department prior to the meeting of Congress— But in the latter part of October arose the state of affairs especially deprecated in my instructions, namely of a declared determination on the part of Costa Rica to hold the river San Juan, of an actual blockade with forces under her control, of the navigation of that river and consequently actual hostillities between the two republics; and without some further action the entire suspension of intercourse between the Atlantic and Pacific side[s] of the Nicaragua transit— In view of this new, tho' not unantici-

are proposed to be opened between the two governments, I have thought it more consistent with the nature of my instructions, to remain long enough to inform the government of the progress of the negotiations and probable results; I have been further induced to remain for the present by the anxious solicitations of the authorities of this government that I should remain at least for the coming conference.—

By my letters of the latter part of September, 2d October and susbequent ones from Managua, with copies of my correspondence with the Minister of Foreign Relations of this State, and documents which accompanied it, and my letter of the 2d November[1] from La Virgin and accompanying papers, the department will have been informed as far as was at that time possible of the subjects specially spoken of in your dispatch of the 8th October— You will have been informed by that correspondence that a "boundary treaty" had been concluded between Commissioners of Nicaragua and Costa Rica, and rejected by the government of the latter; consequently the consent to it by Nicaragua revoked— That no new transit grants had been made jointly by the two States, but seperate grants to seperate companies by each, and of the angry protest of the Commissioner from Costa Rica against the exclusive grant of the goverment of this State— That in respect to the proposed union between the two States under one goverment that it was not likely to take place, altho' many of the most intelligent and patriotic of the people in each desired it, and think it practicable. It seems to me now more unlikely than at the time I wrote. The States have not the elements of Union either moral or physical—[2] . . .

"Where the carcass is, the vultures gather." So there has been another arrival of Transit adventurers and speculators in Costa Rica; and I even understand that hitherto opposing factions have united, and are jointly represented there. One of those previously discomfitted has, however, come hither—Mr. Young Anderson. He is the gentleman of whom I wrote to Mr. Appleton, in a letter that has no doubt come to your notice. Webster is shortly expected here, I have only further to say on this subject that I shall keep my hands clean of the whole of them— A late act of the Congress of Costa Rica suspends an article of the Constitution of the State which forbids the President to absent himself from the Republic during his incumbency. The motive set forth in the Congressional act, is, that the President may, in his discretion, take directly diplomatic duties in the other States of

[1] Above, this part, doc. 1406.
[2] This omitted portion, covering five pages, deals with internal Nicaraguan affairs, and with petty encounters in the nominal war with Costa Rica.

the present dispute. In that case, the present imposing Commission from Costa Rica is only intended to amuse this State meanwhile. I look on it, however, rather as a subserviency on the part of the Congress to the President, who is actually the State.

The character of the special points of enquiry indicated in your dispatch of 8 October, together with passages of some letters of Señor Yrizarri to this government which have been communicated to me, have caused me to suggest to the authorities of this State the expediency of renewing the credentials of Señor Irizarri by the existing Constitutional government— If my note shall have been received at Managua in season, no doubt the present steamer will carry out the papers indicated. The reception of this appointed agent at Washington, and consequent recognition of the existing government here, is a point of sensitiveness and anxiety to the authorities—I have stated the *facts* in regard to the condition of politics and government of the State as nearly as I have been able to arrive at them— The law of the case, and especially the policy adopted by the United States from beginning of our government in respect of the politics of other states, would seem to justify the authorities here in hoping not to be outlawed— In respect of independent states, that is, States in respect of which there was no pending question of revolt from a parent, governing, or coadjuate [*sic*] State, I think that the policy of the United States has been not to enquire into the origin, authority or form of the government, provided it existed and was submitted to: it being the State, not the Administration, that was to be recognized, or refused recognition— Facts, however, and not arguments, are the object of these letters, and I have only been led to suggest so much as I have, by reason that heretofore I earnestly argued, and perhaps with some effect at the time, to the same point, in several pieces published in the "Union" newspaper in May 1856, to procure the reception of Padre Vijil, appointed under the administration of Rivas and Walker to represent Nicaragua in our capital— That government was actual, at all events, and according to my views ought not to have been discredited at any time after it became the ruling authority of the State—

The present government is in exercise of all governmental functions, and as far as appears, with the concurrence of the body of the State—

There are reports here of a rising in Guatemala against the dictator Carrera, but very vague— There are intrigues also on foot against the existing dynasty of Costa Rica; but I do not believe that they can be successful, unless possibly in the event of soldiers being called for to invade Nicaragua— This would produce discontent, as the people are tired of War, and desirous of industry; but this, as I before stated, Costa Rica has not occasion to do.

The State has an element of stability in government which is one of the great preservations of order in our country; nearly all the inhabitants are property holders; hence interested to avoid any interruption of peace; so, notwithstanding that the existing dynasty is tyranical, arbitrary, and covetous, it will be endured rather than an attempt at change be risked, unless for a powerful motive—

Should it become certain that General Martinez will be soon here I should remain some days for the purpose of an interview with him. Otherwise I shall go soon to the seat of government Managua—

I enclose herewith papers containing the announcement of the opening of the Assembly, the decree declaring the election of General Martinez to the Presidency, and the discourse pronounced by him on the occasion of his inauguration.

Most respectfully, Sir, [etc.].

1411

William Carey Jones, Special Agent of the United States to Central America, to General Tomás Martínez, President of Nicaragua [1]

RIVAS, NICARAGUA, *December 10, 1857.*

SIR: The information contained in the note which Y. E. was pleased to address to me under date of yesterday [2] of the restoration of peace and conclusion of a definitive arrangement between this State and that of Costa Rica is of a nature to be acceptable and gratifying to the world, as the world is interested in the prosperity and advancement, and uninterupted order of the peculiar part of it designated as Isthmian America. The maintenance of peace, order, and government, in these States, and their consequent welfare, are particularly, for many just reasons, a desire of my own country. Knowledge of this fact increases the satisfaction with which I have received and shall transmit to the government at Washington the note with which Y. E. has honored me—

Permit me to congratulate Y. E. that the installation of the existing constitutional government in this Republic should have been so immediately followed by the suppression of an unhappy dispute with its neighbor— And at the same time to subscribe myself with special regard Y. E most obedient servant—

[1] Special Agents, vol. 20, enclosed with Jones to the Secretary of State, January 1, 1858, below, this part, doc. 1415.

[2] Not included in this publication; its purport is here adequately indicated. It is only

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

BROOKLYN, NEW YORK, *December 13, 1857.*

EX: SIR: After giving notice to Y. Ex., by the telegraph, of the landing of Walker's hostile expedition on Punta Arenas, without the prevention of such landing by the armed vessels of the United States, or even the overhauling of the Fashion, laden with men and arms; I have deemed it proper to call your Excellency's attention to the fact, already long announced, that another expedition is now ready at Mobile, and about to sail thence to re-inforce that which has succeeded in landing on the territory of Nicaragua and that the person called General Henningsen has lately gone from New York to New Orleans to accompany this re-inforcement.

I trust that the government of the United States will take all such measures as may be necessary to the end that this re-inforcing expedition, as also all others which it may be intended to set forward, whether from California, or from any other point of the Union, may be detained and not be allowed to continue baffling the measures of the Executive Power. I further trust that proceedings will be instituted against the violators of the laws of neutrality, with that rigor which is required for the maintenance of peace and of fair understanding between friendly and neutral nations.

With very high consideration [etc.].

1413

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [2]

[TRANSLATION]

BROOKLYN, NEW YORK, *December 18, 1857.*

I have the honor to send to your excellency the copy of an original letter which has been transmitted from Aspinwall with directions to place it in my hands, which original letter is at the disposal of your excellency, in case it suits your Department to make any use of it.[3]

[1] Notes from Central America, vol. 2. Received December 16.
[2] Notes from Central America, vol. 2. Received December 19.
[3] The following is the text of the letter, enclosed with this note:

Domingo de Goicuría to General Máximo Jerez

[TRANSLATION]

NEW YORK, *November 20, 1857.*

the Government of that country.

I have also an authenticated copy of another letter written by Mr. Vanderbilt to General Cañas,[1] in which he recommends that a successor to me may be appointed and proposes to him to assist in it in order that Costa Rica may become mistress of the transit. I also enclose a copy of said authenticated

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preparations in these States. They are now carried into effect, and the enclosed paper will make you acquainted with the particulars of his departure. It is also certain that the administration is opposed to him; but still it is requisite that you should prepare for greater exertions than the late ones; for if you do not, you will have to suffer much.

In addressing to you this second letter, I do so principally for the purpose of recommending to your care and particular attention my friend, Mr. Allen, who has gone to Costa Rica, and ought now to be with you, in order to arrange the difficult question of the transit. Mr. Allen, it is evident to me, has orders from Mr. Vanderbilt (who is his father-in-law) to make a final settlement of this question with you in a positive and stable manner; and as I know that this latter gentleman is the only one who has the means and is justly impelled to obtain again what he has lost on account of the infernal intrigues of Walker, I think you ought to pay attention to his propositions.

The existing treaty, with you since the recognition of Nicaragua is a thing which you can change as you please, as it is evident to me that Buchanan has made it solely to effect a prompt arrangement subject to amendment, but in order to strike a blow at the Southern party who have facilitated Walker's departure for that country. For this reason I think you can alter this treaty as it may best suit you, and by making it in concurrence with Mr. Allen and at the same time sending a Nicaraguan as Minister to this country with the new treaty, I am sure you will succeed entirely as you may desire; but it is necessary that Señor Irisarri should not continue to represent you, for reasons which it is easy to perceive are prejudicial. Principally because he is not a Nicaraguan, and is regarded at Washington with mistrust in all that he does, on account of a belief that he is under English influence and in favor of Guatemala,—and more especially on account of his being connected with Mr. J. White, Parker French, and other violent men who have taken him as an instrument of speculation in the transit grant as soon as it shall be obtained from you. Therefore I repeat that a Nicaraguan should come who is independent of the cliques that are laboring only to speculate on Nicaragua, without affection for the principles which may do good to the Republic.

Mr. Vanderbilt is the only one who by himself alone can undertake the business immediately, and who is able to make sacrifices, and as he will not have any considerable losses he will therefore negotiate with you on terms of mutual convenience; to which I call your particular attention as a worthy and disinterested patriot, as I know you are.

I must now repeat the substance of what I said to you in my first letter, and to which you have made me no reply: That when I took part in the events of your country, it was in good faith to do well for the cause of Liberty which I represent; but as soon as Walker changed his policy, I proved to you, by acts that I performed, what I said to you in a conversation with you at Granada before accepting the place which I occupied among you; which was, that I would be the first to turn against Walker if he did not fulfil the principles he represented; which I did, and contributed not a little to his first defeat and discouragement; for which I think Nicaragua ought to be grateful to me, and to rely on me in this matter, certain that I will serve her cause and not that of men.

When you have an opportunity, I request you to send my remembrances to your mother-in-law, to whom I am indebted for favors and attentions while I was at Leon which I have not forgotten; and you yourself in particular can command me—as you please with the certainty of finding me your most devoted friend.

[1] The text of this enclosure, quoted below, contains numerous errors, some of them apparently due to its having been copied by an amanuensis not entirely familiar with the language in which the letter was written:

against which I must be prepared, and which involve certainly the interests of this country as well as those of the countries which I represent.

With the highest consideration [etc.].

1414

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

BROOKLYN, NEW YORK, *December 30, 1857.*

The Undersigned, Minister Plenipotentiary of the Republic of Nicaragua has the honor of communicating to H. E. the Secretary of State of the United States that, on the 15th of last month, the Authority of the Republic of Nicaragua was assumed by Genl Martinez, elected to the Presidency by an immense majority of votes and that one of the first acts of the new head of that republic was to confirm the appointment, made in the person of the undersigned, by former national governments, as Envoy Extraordinary and Minister Plenipotentiary to the Government of the United States.

The Undersigned deems it also to be his duty to inform H. E. the Secretary of State that the Constituent Assembly of Nicaragua has approved and confirmed the contract made by the undersigned with the American, Atlantic and Pacific Ship Canal Company, the only one vested with the privilege of carrying across the isthmus, as the only one also, which, for the present and so long as the government will not have otherwise disposed, have the right to

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Cornelius Vanderbilt to General Cañas, Commander-in-Chief of the Costa Rican forces in the Republic of Nicaragua

NEW YORK, *August 5, 1857.*

Dear SIR: I have received your Excelency's communication by the hand of your *aid de camp*, who has also exibited his authority and explained your views. I think you will hardly have sufficient population in the Departments of Rivas, Guanacaste and the San Juan river for the purpose of a sepparate organisation. Yet if you can accomplish your objects without delay, you will meet with every encouragement from this government, for I am assured they will protect any government opening the Transit Route.

Your Excelency can accomplish this end, and secure sollid aid, by opening the Transit at once, by placing the lake and river steamers in my possession, so that I may start the line immediately.

I am assured that your influence is very strong in both Republics. Would it not be well to have yourself appointed Minister from both countries to this, with full powers to settle and dispose of the Transit—And afterwards carry out your plans?

. . . Will more fully explain my views, as I have throughly explained them to these gentlemen, But my impressions are that you had better come, or send a Minister fully authorized on this point. The one here now will oppose any alteration in Nicaragua, and is thoroughly under the influence of Martinez and Jerez. He will not be received, I have hitherto prevented it, and shall continue to do so, untill I hear from your Excelency. Should you come, you can depend on my warm cooperation, and as soon

carry emigrants to that country, under such conditions as have been imposed on said company. All other emigrants or colonizers whatsoever, that may be conveyed to that country, will be refused admission and compelled to depart from the territory of the Republic; or they will be dealt with as enemies of the Republic, should they appear there in the character borne by those, lately introduced by the incorrigible adventurer William Walker.

The Undersigned, in the name of the three governments, which he represents, returns thanks to the government of the United States for having taken away the adventurer William Walker and his invading band from the point of which they had taken possession on the coast of Nicaragua; thus freeing those friendly countries from the evils, with which they would have been visited, had these disturbers of the peace of nations been allowed the possibility of increasing their forces by new recruits. Those, who, in the service, which the government of the United States has rendered to its friend, the Republic of Nicaragua, would seek for a warrant to say that the Nicaraguan territory has been violated, will hardly find it, from the moment that the world will have learned that the government of Nicaragua, far from complaining of a violation of her territory, looks upon that act as an assistance, directed in behalf of its inviolability, which was wounded, in effect, by certain adventurers from the United States; and that it considers such assistance, extended by this government, as a consequence of the measures which, by his note of the 14th of Sept last,[1] the Undersigned had asked this government to adopt, giving orders to the navy of the United States to capture the violators of the laws of Neutrality.

The point, from which Commodore Paulding forced away those bandits, the violators of the laws of all nations, and as such justly assimilated, by the law of nations, to pirates and foes of mankind, is an almost desert one, on which there exist no Nicaraguan authorities, that could have managed the apprehension of those felons. Nicaragua, therefore, considers that the proceedings of Commodore Paulding, against Walker and his horde, were entirely justifiable; for as a man of war of any nation may take up pirates from a desert island, or one so thinly peopled that they can assert their dominion over it, although that island might belong to another sovereign nation; just so can bandits be apprehended, as enemies of the human race, by the armed vessels of a friendly nation, on a point of a foreign coast, which may be placed under circumstances, like to those of the island mentioned by way of illustration.

Considering it highly important that the tenor of this note—especially the portion touching emigration to Nicaragua—should be made public, the Undersigned would entertain the hope that the Secretary of State will find no objection to have its contents published.

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States [1]

HACIENDA DE POLVÓN, NICARAGUA, *January 1, 1858.*

SIR: You will probably have heard before this reaches you, by means of communication more direct & prompt than are allowed to any agent of the American government, of the conclusion of a treaty of peace, & consequent suspension of hostilities, between this State & Costa Rica. The fact of the arrangement was communicated to me in a letter of Genl Martinez, the original of which accompanies this. In my reply (a copy herewith) I was obliged to treat the matter as the General had spoken of it; namely, a "definitive" arrangement. A rude copy (also herewith) was afterward furnished to me.[2] It does not sustain the idea of General Martinez & the present state of facts shows that the arrangement was scarcely more than a hollow truce, brought about by the reports of an invasion of the river by "fillibusters" from abroad. Neither State will ratify the treaty as it stands: Costa Rica not consenting, so far, to yield to an exclusion from the transit, nor to the proposed designation of limits:— Nicaragua not yet consenting to the relinquishment of the district of Guanacaste. The treaty is now before the Assembly of Nicaragua, at Managua, where are present the Costa Rican Commissioners, Genl Cañas and the Licentiate Cuadra. With the relief of pressure & apprehension from without, the States will resume the position with respect to those old questions that they have occupied for many years. This State, however will probably give by the treaty the possession of the Castillo Viejo, which has latterly been held, under pretext of conquest, by Costa Rica—taking for granted, that on learning of the capture of Genl Walker & the body of the party, the place will be evacuated by Anderson.

My entire correspondence since a letter from the Department of 8th Oct^r [3] & from my family of 3^d same month has been intercepted, & kept out of my reach. Those letters I took the precaution to go for in person to San Juan del Sur. Those that I ought to have rec^d by steamer at S. Juan 23 Decr I sent a special messenger (well recommended to me) to bring them to Granada. He professes to have lost them from a belt on his body about a mile from their place of destination. The President (Martinez) recently told me, in speaking of a most flagrant case of a letter being opened, that whatever authority had possession of a letter which was to a "suspicious person," or he chose to suspect, he might open & retain at discretion; and he (the President) "did not care if the letter were addressed to the care of the American Consul, or to whomsoever."

authorities an opportunity to vent the animosity that they constantly entertain against all citizens of the United States, & led, in the districts near the Isthmus, to many abuses, the details of which, in individual cases, will probably be sent to you by the parties. I expostulated with the President, and all whom I could reach at Rivas, & earnestly solicited them to wait only a few days to know whether the reports were true, & what measures the United States had actually taken & carried to effect, & especially not confound the innocent & "suspected," & compel all alike, male & female, to indig[ni]ty & hardships. These remonstrances and solicitations were treated with only insolence, & constant iteration of disbelief in the good faith of the United States; & at the very last, when the circumstantial news arrived of the entrance of the river by a small force, and the capture of the remainder, the President declared to me, on board the steamer on which we were crossing the Lake to Granada, that he believed the first part of the letter which he had, but not the last, and inquired of me if I did not doubt the power or right of the United States to "take prisoners on the coast." I only replied to the latter part; namely, that whatever the right, the only territory that had been violated was that of Nicaragua, & I had no doubt that if this government should complain of the act the United States would promptly release the prisoners, & amend. I do not hesitate to express the opinion that the conduct of this State toward American citizens, & which will be detailed, calls for a severe & unceremonious chastisement.

The newspaper accounts from the United States had me to suppose that a functionary of ampler powers & unequivocal official position, will soon be present here. Whoever he may be, I hope that he will be a man of courage & will, & be backed by a steamer of war constantly on each coast. Short of this, American citizens & their interests in this State may as well be abandoned, and even an appearance of respect for the government of the U. S.

In regard to my intercepted correspondence, I am certain that the authorities are informed of matters concerning myself that I am not acquainted with, both official and domestic. I have found myself here with all the duties, & more than the responsibilities, of a diplomatic minister, without his powers, privileges or position. The Administration cannot but perceive this to be the fact in examining the instructions & despatches furnished to me, & the peculiarly different & delicate matters that occupy them.

As the moment at which I was enabled to arrive here does not allow me to multiply my correspondence, I have transmitted this through a third hand by whom it will be delivered to the Department.

Very respectfully [etc.].

1416

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

BROOKLYN, NEW YORK, *January 2, 1858.*

The undersigned, Minister Plenipotentiary of the Republic of Nicaragua, has the honor to make known to the most excellent Secretary of State of the United States that the Government of Costa Rica having contrary to all right seized in a time of complete peace the Castillo Viejo, which is on the right bank of the river San Juan in the territory of Nicaragua, and laid siege to the fort of San Carlos which defends the entrance of the lake, it has closed to the general commerce of all nations the transit at the single point where that commerce is effected, and in consequence of this the Government of Nicaragua has been compelled to protest against all the losses and damages which that unlawful act might produce, either to the interests of Nicaragua or to those of other nations that might be damaged. This protest was addressed on the 24th of November last to the Minister of Foreign Relations of Costa Rica, and on the same day the undersigned was directed to make known to the most excellent Secretary of State of the United States and to the Diplomatic Body at Washington that such a protest had been sent, in order that in no case Nicaragua shall be held responsible for the damages that any mercantile nation may have received from that unlawful and unjustifiable act, committed by the Costa Rican Government—an act so much the more unjustifiable, as the results of that usurpation of territory and of that arbitrary blockade, as everybody has seen, prove that it was not the defence of the country against the enemies of Central America which could excuse those scandalous proceedings, since fifty bandits or fillibusters have sufficed to take from the forces of Costa Rica the fortress occupied by them as well [*sic*] all the steamers on the river, which shameful event must not be imputed to the forces of Nicaragua.

The undersigned, in complying with the orders which he has received from his Government to make to your Excellency this communication, has the honor [etc.].

[1] Notes from Central America, vol. 3. Received January 4.

Antonio José de Irisarri, Guatemalan, Salvadoran, and Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

BROOKLYN, NEW YORK, *January 11, 1858.*

The undersigned, Minister Plenipotentiary of the Republics of Guatemala, of Salvador and of Nicaragua has the honor of representing to H. E. the Secretary of State of the United States, that these three Republics, as well as the others of Central America, cannot look, with indifference, on the impunity hitherto enjoyed by those bandits, who, from the ports of the American Union, have visited those countries with pillage, conflagration, death, desolation and all those horrors, which have scandalized the whole world; whilst the people of Central America had a right to rest for their safety on the friendly relations, which they maintained with these States and on the duty incumbent on their government to prevent those, whom they administer, from impunibly violating the rights of all the other nations. The Undersigned, therefore, hopes that the most efficacious means will be resorted to, with the view of bringing, to trial and punishment by the competent tribunals of the United States, those bandits, who, after going to those countries to commit their nefarious crimes trampling on the laws of all nations, have returned to these States, to make boast of the contempt with which they look upon mankind, of the derision in which they hold the laws and magistrates of their own country.

The impunity of such crimes threatens all the nations of the earth with a repetition of the same attempts—the most serious and the most fatal, in their consequences, that may be committed against the rights of nations; for no country of the world could consider itself secure, if it were proved that the citizens of a great Republic, daily enlarging in power, can, on their private account, set on foot hostile expeditions organized to disturb the peace of any nation, and not only to go and disturb peace, but to undertake conquests, burning towns, spoiling the inhabitants of their property, murdering the defenders of the soil, alienating their laws, overthrowing their governments and finally committing all those excesses, which we have beheld perpetrated in Nicaragua by the bands of outlaws, headed by Walker, to the appallment of the world!

The punishment of those malefactors, which all justice, joined to an imperious necessity, demands, has become so much the more indispensible now that it is evident that the toleration, with which they have been treated, has begotten the insolence, with which they stand before the world, glorying in the contempt, with which they look upon all principles conservative of the peace of nations. Each one of these felons wishes to be considered as a

sovereign power, with the right of levying war where he may deem it expedient, under, or without, any pretext whatsoever, acknowledging accountability to no human authority. The most immoral of the crew, the most stupid among the stupid, have even the impudence to style themselves regenerators of the human race; and the worst of it is that there are editors and orators both, who stand up for the idea that these political absurdities can ever be converted into principles of a new law of nations; and by such, the like, impious doctrines are the morals of many perverted and thousands of followers secured to the ranks of the outlaws.

Within a period of two years we have witnessed the departure and the return of hundreds of outlaws who had left this country in violation of its laws and in mockery of the orders of its government; nor have they, upon their return, been called to any accountability for their acts. We have, but recently, seen that, in the face of the measures of the present administration, the departure of Walker's expedition from Mobile and its landing on Punta Arenas were successfully accomplished. The like may hereafter succeed and there is greater danger that it will succeed, with the evidence before us, supplied by repeated acts, to demonstrate that it is a very easy matter for a hostile expedition to proceed from the ports of the Union, in defiance of the customs officers, unintercepted even by the naval power; whilst the malefactors, succeeding in landing on a desert point of the coast of the invaded country, have the assurance [effrontery?—Ed.] to establish their headquarters, in sight of the armed vessels of the United States, on a spot, on which they could fortify themselves and receive the reinforcements, the assistance and the subsidies, which they require in their guilty undertaking.

The Governments of Central America in general, and that of Nicaragua in particular, have a full right to ask the government of the United States to punish those, who, being citizens of those States, have, from their territory to those countries, carried war, pillage, arson, murders, and all the horrible and abominable crimes, which private individuals can commit, against nations. These attempts have compelled all the nations of Central America to make sacrifices in defense of their own security, jeoparded by those enemies of so peculiar and deadly a nature; but those enemies are guilty of crimes that should look to no mercy, in any country, before any human tribunal, under any laws, or at any time; because theirs are crimes committed against those laws of eternal justice, in which are envolved the peace, order, and security of all the Empires, realms and republics of the World; and because, unless this class of gratuitous enemies of mankind shall be deterred by an utter severity of chastisement, the same abominable deeds will surely be

conducive to deliver the nations of Central-America from the very serious evils, to which they are exposed through the impunity of the violators of the rights of all the nations, and that shall work to this effect: that the adequate punishment of the delinquents shall give assurance of peace and tranquillity to those countries.

In conclusion of this communication, the Undersigned has the honor [etc.].

1418

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

SAN JUAN DEL NORTE,
On board of the *Susquehanna.*
January 19, 1858.

No. 1

I arrived at this point yesterday evening, and find the inhabitants contented and quiet. They feel greatly relieved by recent events; and I am informed that a greater respect and confidence prevail in Nicaragua towards the United States at this moment than have existed heretofore. I have no doubt that the best relations will continue between the two countries without further distrust or interruption. I find two Steamers here, taken from the Filibusters, in charge of the American Consul, and held by him in the name of Your Department. I shall be under the necessity of employing one of them to take me up the San Juan river as far as Castillo, whence I shall proceed in a Bungo or Canoe to San Carlos, where I hope to meet a steamer on Lake Nicaragua. The Legislature of this State is now in Session, and I am anxious to reach the Seat of Government (Managua) before that body adjourns.—Hence I have taken the liberty of using the Steamer alluded to, for the purpose indicated, believing the act, will not be disapproved by the Department as it is the only safe, speedy and reliable mode of proceeding to my place of destination.—

I have the honor [etc.].

1419

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [2]

BROOKLYN, NEW YORK, *January 27, 1858.*

The Undersigned Minister Plenipotentiary of Nicaragua has the honor of again addressing His Excellency, the Secretary of State of the United States,

Anderson has arrived in the United States—the same who committed acts of outrageous piracy at Castillo Viejo of Nicaragua and the river San Juan.

This underling of the Chief of pirates is charged, by public opinion, with the destruction of various works in the fortifications of the Castle, when he found that he could no longer hold it—with having rendered useless the machinery of the steamers—with slaughtering cattle, belonging to private individuals, and committing all the depredations, which the spirit of destruction could have suggested to a savage.

These damages ought to be satisfied; because they are entitled, not to a less, but to a greater, consideration, for having been committed against a small republic; for, by every principle of equity, and justice, damages, caused to those, who encounter greater difficulties in retrieving their losses, more pressingly call for an adequate reparation.

Let it not be said that Walker and Anderson and their satellites have no means—that to supply this very lack of means, they went forth to plunder friendly nations and that, therefore, they cannot be made to pay for the damages, which they have caused. These piracies were but the results of an organized association, which had its contrivers and agents. The contrivers were those, who furnished money, arms, provisions and munitions, vessels and every other appliance to carry into effect the iniquitous and criminal undertaking; and as such they are bound to make good, pro rata, all the damages and injuries caused by the agents, since the latter must have failed to effect any thing without the means which the former supplied.

It is the province of justice to ascertain who are those who furnished the means to carry out the criminal undertaking, entrusted for execution to Walker and his subalterns. But let the matter stand as it may, Nicaragua should not bear the injury inflicted, for the unsound reason that the robbers, who have despoiled her, and the assassins who made so many widows and orphans, are insolvent.

Those, who, in Panama, on the 15th of April 1856, robbed and murdered some of the transit passengers, were no doubt insolvent; and yet, in spite of the fact, sufficient reasons have been shown to warrant an indemnification for the wrongs inflicted. In the case of Nicaragua the authors of the wrongs are Known; the damages are fully proved; they are evident; and those, who are answerable for them, within the reach of the United States' courts. The Undersigned, therefore, representing the government of Nicaragua, asks His Excellency, the Secretary of State of the United States, to be pleased to make the present reclamation known to His Excellency, the President of the United States, to the end that, through competent authority of justice, the

[1] Above, this part, doc. 1417.

damages and injuries inflicted on the Republic of Nicaragua and on her citizens of this country, who have set up piratical expeditions against a country in friendly relations with the United States, shall be adequately repaired.

The Undersigned has the honor [etc.].

1420

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACTS]

REALEJO, NICARAGUA, *January 30, 1858.*

SIR: When I had the honor to address you from this place on the 1st inst.[2], I had come hither with the intention to embark on the steamer then expected, bound for Panama. Delays which I could not anticipate, but, as they came, could not prevent, kept me too late an hour to embark, & it was by means of a special courier that I was enabled to communicate with you. I returned, therefore, to Leon. The Minister of Foreign Relations (Don Gregorio Juarez) was there. He informed me that he and another had been appointed special commissioners to meet the commissioners of Costa Rica (Messrs. Cañas and Cuadra) at Managua, to determine if possible, the disputed points between the two States. I thought the occasion opportune to a main object of my mission—observation—and went also to Managua. In the meantime, the Commissioners of Costa Rica had retired in a sort of disgust; and, as far as the proposed negotiation was concerned, the journey both of the Costa Rican Commission and myself, was fruitless. The agreement made at Rivas, in December, between the President-General Martinez and the Commissioners from Costa Rica, and which the former gentleman announced to me (in a letter communicated to the Department with my last) [3] as a "definitive arrangement," is understood to have been concurred in by the gov^t of Costa Rica, but has been absolutely rejected by the "Constituent Assembly" of this State, now in session. It was on the passage of a decree to that effect that the Com^rs of Costa Rica departed, without waiting even the arrival of the persons appointed to meet them for new negotiations. Nicaragua is in a better situation than before the treaty, though not perhaps in consequence of it. She holds again the "Castillo Viejo;" but not by delivery from Costa Rica. It was taken from Costa Rica by the party of "adventurers" under Anderson; and on their abandonment of it (on hearing of the capture of their leader and confederates at San Juan del Norte)

enter. The recovery of this important point, and consequent control of the river, having already fallen to Nicaragua, and a main object of the agreement at Rivas thus accomplished, no doubt influenced the Assembly in rejecting the treaty as a whole. They have since, however, modified their decree, at the instance I believe of Minister Juarez, and propose to renew negotiations at San José (C. R.) whither it is proposed soon to send a person to treat. I give it as my opinion that the questions between these States will not and cannot be settled by a treaty voluntarily & mutually made. There is not that disposition in the sentiments of the States toward each other; & if there were I do not perceive any basis for a compromise, unless Costa Rica should consent to abandon the object of her ambition & cupidity for many years, & for which she lately decimated her population in an otherwise fruitless war. Outside pressure (that is, apprehension of invasion from abroad) may operate to prevent on her part any active attempt at this time to regain the control of the river; but she will not voluntarily abandon her pretentions to a share in the line of transit. The river and lake are therefore liable to be the scene of a predatory warfare at any moment that the two States are sufficiently relieved from their present apprehensions of mutual danger.

I had other objects in view, in my journey, to Managua; besides being present at the contemplated conference between the Com^rs of Costa Rica and this State, & to which also a special commissioner from San Salvador was to have been a party, as mediator. The treaty lately concluded at Washington with the Minister from this State was pending before the Assembly, & the Minister of Relations expressed a desire that I should be present to consult me on several proposed points of amendment. In many conversations on the subject, both at Managua, and afterward again at Leon, he was extremely solicitous to know how the govt. at Washington would be affected should this State suspend the ratification of the treaty for the purpose of certain explanations and reforms; and especially till treaties could be concluded with Great Britain & France, in order that those powers might not have a right to ask the same privileges as in the treaty were granted to the United States. I frankly told him that I did not think the State of Nicaragua would ever again have an opportunity for so advantageous an arrangement, though I agreed with him in the propriety of several modifications that were proposed, & that some points ought to be more clearly stated. At that time, large hopes were built on the newspaper reports of an embassy from each of the three great powers (the U. S., England & France) to act together, and make a mutual protectorate of this State. It was therefore then the determination of the Assembly and the executive govt. not to ratify Mr Yrizarri's [Irisarri's] treaty, except with modifications,

determined finally to ratify the treaty unconditionally, with instructions to Yrizarri [Irisarri] to solicit in an appendix the modifications that it had been proposed to insert in the body of the instrument. The treaty thus ratified will I presume go to Washington by this conveyance. I did not say to the Minister Juarez, but I will venture to say to the Department at Washington, that I hope the treaty will not have been and will not be ratified by our Senate. It does not make any guaranties at all adequate to the protection of the rights either personal or proprietary of American citizens, whilst it grants as it seems to me all manner of protection to this State. The government at Washington was not aware, in negotiating the treaty, of the extreme ill will which the majority of the officers of the government here, and the present dominant party, bear toward the United States & their citizens, and the facility with which all obligations not express in their terms and backed by a determination to enforce them are avoided. Neither this State nor Costa Rica, notwithstanding their terror of the American people, as adventurers or invadors, has any respect for the American government, and consequently none for the individual citizens of our country who find themselves here. Neither State having been heretofore held to account for its outrages on our citizens, they have both come to consider such Americans as fall into their power to be lawful prey, and the government at home to be impotent for the protection of its citizens abroad. The few Americans who remain in the country have come much to the same conclusion, and find themselves under the necessity to be, in the words of the military governor at Rivas, used on an occasion hereinafter to be mentioned, "very humble," ("*muy humildes*"). For my part I have never been able to discover why the fact of a State being feeble & impotent as compared with other nations should give it an immunity to be insolent, abusive, insulting and rapacious toward individuals from abroad, & defiant of the countries to which they belonged. Such immunity these States have hitherto certainly possessed with respect to citizens of the United States, & they are now in exercise of it in quiet & contemptuous confidence that they will not be held to account. Any suggestion or opinion that they desire an emigration from the United States, or in any considerable numbers from Europe, or will willingly see it, in any form whatever, is deceptive. The dominant idea of all Spanish America is the preservation of the dominion and ascendancy of what they are pleased to call the "*razalatina*" [raza latina] or latin race. It is the burden of all their official papers, almost the sole topic of their gazettes, the moving cause of the spasmodic efforts constantly making to form a union, and hence as is hoped revive the fortunes & provide for the security of the states of the old Spanish dominion, & the people that now

desire, or by a quiet immigration, is not compatible with that dominant and absorbing idea. Hence, whatever professions may be held out to the Department at Washington, or whatever regards or desires expressed, you may be assured that our country & countrymen are regarded only with feelings of bitterness, and our prosperity and advancement as an impending calamity to these states. Hence, that whatever embarrassments they dare to interpose to the settlement in the country of Americans, & whatever indignities & wrongs they dare to inflict, will not be spared. I believe that both of these States would gladly forego the advantages that pecuniarily the transit offers to them if they felt it in their power to close it up against foreign ingress, and cease all communication with our government and people. These remarks are not applicable to all the people of Nicaragua, but they are to the ruling mass—that is, those who wear shoes and stockings, & who as a rule have no other occupation or means of livlihood than in the army, church, or civil government, & in the exactions which these employments enable them to make. Among the subordinate population, who do all the labor, & bear all the burdens of the State, there is a strong undercurrent in favor of "Walker," which is the name in which they embody the idea of American domination. In fact, they would gladly embrace any change to relieve them from their present masters, and the abominable system of military recruiting & forced contributions to which they are subjected. To this class, may be added, as desirous of a change, even to the dominancy of a foreign element, some proprietors and men of substance, who desire to pursue their vacations in peace, and who are also the prey of army, church & state. There are others, malcontents with the existing government, who profess (in "confidence" to me) a desire for a fresh & successful invasion. Some of these are only in appearance malcontent, & are sent for the purpose of drawing out expressions of opinion or feeling from me. Others, and a large party, would be glad of so much assistance to overthrow the dominant party, & existing government; but would turn upon those who should aid them at the first appearance of their ascendancy, as did those who invited Walker when the purpose for which he was invited was accomplished, & they found that they had brought to them masters instead of servants. Since my visit to this part of the State (the seat of the "Leonistas," or "Democrats,") my views as to the degree in which the two factions had reconciled, or accommodated their differences with a view to a settled govt., are much modified. The old bitterness and hatred continue and only wait opportunity to break again into intestine war. The remarks which I have made touching a settled dislike to the American government and

of the United States, and is disposed to take a philosophic, sensible and practical view, of the destiny of his country,—recognizing as certain, the ultimate dominancy here of our race.

The Minister of Nicaragua at Washington writes by the late steamer (from New York Jany. 5.) that a new and more formidable invasion than has hitherto occurred is impending from adventurers of the U. S. The government and the country are consequently in great commotion. The Minister of Foreign Relations who was having a relaxation at a sea bathing place near Leon was summoned by express to return to the seat of government with a view to the immediate appointment of commissioners to foreign powers to solicit aid. I shall not be surprized if Señor Juarez shall be himself chosen either for the United States or Europe; but this is only a conjecture. The forces raised a few weeks since for an anticipated war with Costa Rica, & just disbanded, are again to be drawn into service, & the state converted into a military camp. It is not my opinion, however, that any effective force can be raised, or an effective resistance be made, against any considerable number—say 500—that should escape the vigilance of the authorities of the United States, & effect an entrance into the country; nor do I believe that the other States of the Isthmus are in a condition, or have the heart, again to enter with much energy into the contest. In the meantime, however, and whether the dreaded irruption take place or not, all Americans in the country will be subject to every species of abuse and indignity. Under the circumstances I have determined that there has not been a time when the presence of a person authorized to observe and report to the govt. at Washington was more necessary; and I shall therefore await the arrival of General Lamar, or such other person as shall have been named Minister here. In fact, without an interview with the expected representative, and communication to him of such information as I have, I should consider a great purpose of my mission lost. It is my design, therefore, to await his arrival at Managua. As soon after as possible, I shall depart for the United States. But I do not intend to leave this country without some one in it for a witness.

The good relations which were tendered by this govt. to me, on my arrival at Masaya, in the last of September, and the apparent cordiality with which the authorities reciprocated the sentiments of good will which I was charged to convey to them on the part of the United States, induced me to hope that nothing would occur during my sojourn of a character to require from me

American citizens, showed a palpable change as soon as the letters which I had the honor to address to you with respect to the establishment of a Constitutional government were despatched. The chief authorities (particularly Martinez) were exceedingly anxious in regard to my despatches in that respect, for the reason that Yrrizari [Irisarri] had written that the Department was awaiting information through me to determine the question of his reception as Minister from this State. Genl Martinez informed me of the receipt of this communication, at a ball given to him at Granada on the 6th of October, & solicited at the same time to know the nature of the letters that I had despatched by the steamer of the 2^d. I had written what were, and continue to be, the facts of the case. When those letters, & my subsequent ones, had had the effect they were capable of, the friendly spirit which had been exhibited toward the people of the United States evaporated.[1] . . .

In the latter part of November, at Virgin Bay, I employed an American M^r [2] Fields to do some writing for me. He afterwards, at his desire, accompanied me to Rivas. There he wished to continue with me, and to go, as I then designed going to Granada. I was somewhat disposed to accede to his wish, and therefore inquired of him as to his antecedents. He told me very frankly that he had been in the army of Walker, employed in the Department of Hacienda or Treasury, up to the capitulation of Rivas, but that he was on good terms with the authorities, and as far as he knew not in any way objectionable to them, & he referred me to the Military Governor Bonilla. In my estimation, the fact of having been in the service under Walker was not a crime, & to have continued till the capitulation rather a virtue. But I had adopted as a rule when I came into the State (and in accordance, as I believe, with the spirit of my instructions) not, unless in an extreme case, to go counter to the ideas here, or to excite prejudice by having in my employ or occupation any person who might be objectionable. I showed this disposition on the first day of my arrival in the State, in an instance well known to this government, but not necessary to detail here. In pursuance of this intent, before determining with regard to the application of Mr Fields, I went to Genl Bonilla to inquire. He told me that the conduct of Mr Fields was entirely unexceptionable, & there could not be any objection to his remaining with me or residing where he should choose in the State. Ultimately, I did not decide to take Mr Fields with me to the interior, but he remained in the same house in which I lodged at Rivas, & I gave him occasional employment. Meanwhile, the first reports concerning

[1] This omitted portion, covering three of the thirty-eight handwritten manuscript pages, relates to the refusal of a citizen of the United States to work without pay on a military barricade being constructed in anticipation of an attack by Costa Rica. Four affidavits regard-

San Juan river, reached Rivas, and Genl Martinez, impelled by them, came thither to arrange with the Commissioners from Costa Rica, and for a joint defence against the supposed invasion. I had several interviews with H. E., and on the conclusion of the negotiation with Genl Canas he addressed me the letter informing me of the arrangement that had been made, as heretofore I have communicated to the Department. In the evening following this correspondence I was on horseback on way to San Jorge where I had my lodgings, and meeting the President dismounted to salute him. He asked me abruptly if "*that man*" was going with me to the interior. I inquired with surprise, what "man" he alluded to. "*Fields*," he replied. I told him no; I did not think I should make any arrangement to that effect. "*Then he will have to leave the country.* If you choose to take him under your care, & especially going to the interior, we will trust him; otherwise he shall be expelled immediately." I restrained my indignation sufficiently to inquire the cause of this sudden judgment & condemnation. "Because he had been a fillibuster." Genl Bonilla was present, and I referred to him for the assurances he had before given me. With considerable embarrassment, he acknowledged what he had said, but added that "circumstances had changed, as the fillibusters were coming again." And Martinez added that none who had been in that service should be allowed to remain unless under some special guaranty, as "my person." I told him that I had taken pains beyond what my duties required & to my inconvenience, not to place myself in the position of giving special protection or immunity to persons against whom a prejudice might exist, & that this government should not force me into that position. The President replied, "*Al fin*, if he goes with you, very good; otherwise he shall be turned out of the State." I felt my anger and indignation too high to trust myself to answer at once, &, taking leave, remounted my horse, made the circuit of the town, and went to the house of Genl Jerez. To him I gave an account of the circumstances & the conversation, at which he expressed both surprise and regret. I told him that I had avoided mentioning in my letters any thing that could be unpleasant, or raise a doubt of the good feeling of this government, & I was still anxious to avoid doing so, and had come to him with that view, rather than continue a controversial conversation with the President. That if a new irruption of adventurers should make, in the estimation of the government such measures necessary, at least, it might wait till the reports were verified, & what the U. S. had done in the premises should be known. He professed to agree with me, and declared his intention immediately to see the President, and endeavor to have all such objectionable measures suspended, if not altogether stopped. He did not comply with his promise, and two days after-

Thence I continued to San Juan del Sur, having reason to believe that a general persecution of American citizens was in contemplation, and hoping to prevent it by expostulation with the President. I met him in the road returning, & shortly after I went again to Rivas.

In the middle of December, General Bonilla, as Military Governor of the Department which includes the Isthmus, issued an order to the effect that every foreigner, male and female, (qualcuier estranjero or estranjera) residing in the Department should appear before him "within three days," and any one not so appearing should at the expiration of the third day be held a "suspicious person." I was at San Jorge when the decree was proclaimed there, and heard of it late in the evening. I immediately went up to Rivas, with the object both to comply with the order, & to learn its purpose. I first met Genl Martinez. He saluted me very kindly, & wondered what had brought me so late in the evening from San Jorge. I told him that I had come to comply with an order that had been proclaimed at San Jorge. But you, Sir, he answered, are not included or intended in the order, and had no occasion to give yourself so much trouble. I told him that as I had heard of the order it called on *all foreigners*, & that I was certainly not a native of the country. But (he continued) you have your immunities; you have the recognition of the government, and its consideration & that of the country. Genl Bonilla came in, & repeated much the same. I told them that I should not separate myself from my countrymen, & should not claim or receive any immunity or privilege that did not apply to every other American resident of good conduct and against whom there was not made a specific charge; that I did not admit the legality, justice, or in any respect rightfulness of the order; but that as far as it was legal, just, or right, it applied to me as much as to any one else; that in possible cases I might claim my immunities to save myself or others from outrage, but not to shield either myself or any one from accountability to the law, & that whatever law, order or decree my countrymen resident there were accountable to I wished it to be well understood I also was accountable to, and should not under any circumstances plead a privilege to avoid a process or a duty that any one of my countrymen was subject to. I suggested to the President many reasons why the decree ought not to have been issued, & why it ought to be recalled. That a general order or warrant for a class of persons could not but be felt as an indignity to that class; that it must include persons whom the government had no wish or motive to molest (this he admitted—saying that it was intended for very few); that it would impose extreme hardships, for he well knew that among the Americans resident in the district there were scarcely the means of livlihood, and that some were only detained in the country by illness, and a majority probably by

who were known to be both innocent & helpless with those who might be suspected; that while it stated that persons who did not present themselves within the prescribed time, should be counted suspicious persons, the order made all who came within its description suspicious persons; else, why were they called? That the calling alone imputed a crime, a charge, or a burden of some sort, and that ought to be stated that the parties should be prepared to meet it; that the requirement to come was of itself a penalty—and to many persons a heavy one—and the penalty was laid as far as appeared for no fault, unless to be a foreigner was a fault; even admitting that the govt. had a right to make such a mandate, whether it was politic to excite indignation & enmity in the breast of every foreigner in the State? Finally, I appealed to him, that as the "*coming of the fillibusters*" was the alleged motive for all these measures, to at least wait a few days until the facts were known, & some real necessity appear. I peremptorily refused to be held exempt from the order if others were held subject to it, and finally, Bonilla drew up a paper for me—what we should call in the South a "free paper," or "pass." I refused to receive it, or any thing except a mere certification that I had complied literally with the decree in presenting myself at his bureau; and added that I did not think there was an American in the district, or any where else, who would accept or carry such a paper. He told me I was mistaken; that they would *all* take it, and very gladly; that I would find that the Americans here were very humble and obsequious—("*muy humildes*"). As it was my desire, and I believed it to be my duty, at all events most decorous, to avoid any personal controversy, I suppressed the replies which this and other insolencies on the part of those gentlemen provoked, & which rose to my lips. I may here, however, express the hope that the time is not distant when such a remark cannot be made of our countrymen here.

I availed of that interview to bring to the notice of the President another subject. The commandant at San Juan del Sur stands charged with opening a letter & changing its envelope, after abstracting from it a considerable sum of money, on the 23d Septr last. I had an interest in the matter for the reason that the money abstracted was a part of what had been stolen from me in San José de Costa Rica in July. Genl Bonilla, to whose attention I at once brought the case, undertook the investigation with zeal, but presently abandoned it. It turned out that he abandoned it by order of the President. Therefore I appealed to him. The opening of the letter, & change of covers, was confessed, & as an afterthought of three months the opening was justified on the ground that it was a "suspicious letter," and opened for "political reasons." I reminded the gentlemen that the letter was addressed to the

that he had many letters addressed to Americans on the Isthmus, from "filli-busters" in the United States, & by which he was informed of the movements going on. I inquired how he could have possession of letters brought by a U. S. mail and addressed to private persons? The answer was: "In the manner that I have them, Sir!" ("*En el modo que los tengo, Señor!*")

It will be understood, therefore, by the Department, that neither public nor private correspondence is inviolate after it passes the first sands of this State.

The President finally refused to direct the investigation to be continued, on the ground that "It seemed *all the witnesses were Americans,*" which he said with a sneer. He added, that if Genl Cañas, whose name had been mentioned in the conversation, should make a deposition, it might suffice for a foundation. I replied to him that it was true that the witnesses were all Americans, but that there [*sic*] those of them, of good character, and not inferior in intelligence or credibility to himself; that the only testimony that Genl Cañas could give would be what was related to him at the time by the witnesses, & that he was at their request and mine the bearer of the package, with its remaining contents and substituted cover, to Genl Bonilla. The President then dismissed the matter by saying that I might, if I chose, apply to the govt. of Managua. I did so, on my arrival there, and was told with much politeness that no information had been received there on which an investigation could be instituted.

It may be taken as a settled matter that a case in which an American is interested, and the witnesses happen to be "*all Americans*" will not be suffered here to go to investigation.

Among the persons who came to Rivas in conformity with the decree of Genl Bonilla, were Mr Fields (before spoken of) and Mr Garrard, proprietor of a hotel at Virgin Bay, with whom I had been accustomed to lodge when at that place. On their presentation of themselves, they were directed, without any question or inquiry, or any cause assigned, to "remain in Rivas," & informed that a detachment of soldiers was appointed "to watch them." They came immediately to my lodgings, and a few moments afterward the Captain of Police entered, and told them, in my presence, that he was instructed to say to them that they were not allowed to leave the city, & if they attempted to do so they would be "shot without ceremony," ("*matado sin ceremonia*"). As a number of American citizens were expected to arrive during the day, and I knew that some of them would desire to consult me, and, in fact, with a view to encourage and inspirit all, I put out from my rooms the American flag. In the course of the day I had occasion to send a

Spanish, to carry it. Genl Martinez had his quarters in the same house, and while Mr Fields was speaking to Bonilla, the President, without other apparent motive, came into the room, & walking up to Fields, without looking at him, addressed him: "Don't you attempt to leave this city. Don't think because *that man* (alluding to me & pointing to my lodgings a few doors off) has his flag out that it is any security for you. I will have you shot if you attempt to leave this town if there were forty such flags over you." The preciseness with which Mr Fields narrated this to me convinced me of its truth; but I am cautious of receving reports & therefore took steps to verify this by calling on Bonilla. He told me that it was true; that Fields had reported the remarks literally as I stated them, and added the President was "much irritated" ("*muy irritado*") at an application which I had made for a copy of Bonilla's decree, & at seeing the flag. The copy of the decree, which, after a good deal of trouble, I procured, was communicated with my letter of the 1st inst.[1] to the Department.

My latest advices direct from the Department are of the 8th Oct^r.[2] By private letters I learn that communications from me were received at the Department in the latter part of December. Those communications ought to have been to the beginning of that month.

The newspaper reports, which we have to 5 Jany. report that a large party in the Congress & of the public have doubts of the legality of the seizure of Walker & his companions in the territory of a foreign State. As was noticed in my letter of 1st. Jany. the President of this Republic was also doubtful on the point, and desirous of my opinion. I told H. E. on that occasion that I did not think it was a question necessary to be discussed between him and myself, for I was sure that if Nicaragua felt agreived, a mere intimation of the fact would cause the prisoners to be released, & any proper reparation made for the mistaken action of our vessels of war in taken captives on her coast. I shall not be disappointed or surprised if the official and public opinion of the United States make true the speculative doubts entertained at the first moment by the chief authority here.

I have the honor [etc.].

1421

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [3]

BROOKLYN, NEW YORK, *February 2, 1858.*

I have seen, in the New York papers, that correspondences, from Washington, state that the Government of Nicaragua has rejected the Treaty, which

sons therefor, that, I had acted without sufficient powers and that all the Central American States had opposed it. What I can assure Your Excellency is, that on the 28th of December the Minister of Foreign Relations of Nicaragua writes to me as follows: "The Treaty, concluded by you with the government of that Republic, has been received. As it is, in itself, of so serious an importance that it demands to be considered with the greatest caution, the views of Your Excellency, laid down in your note of 18th of December, notwithstanding, His Excellency, the President-Delegate[1] requires time to reflect and decide on so delicate a matter. As circumstances, however, demand a prompt decision; by the mail of next month; you will be advised of the decision, accompanied by the instructions, which the case may require".

This was written the day after the reception of the Treaty, which did not reach Managua until the 27th of December.

With the highest consideration [etc.].

1422

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [2]

BROOKLYN, NEW YORK, *February 15, 1858.*

I have the honor of stating to you that I am informed, from very good authority, that the so called General Henningsen, late one of Walker's subalterns in his lawless undertakings against Nicaragua, left the city of New York, about the 9th or 10th of the current month, with the intention of going to the Southern States, whither, I am assured, said Henningsen is preparation [*sic*] a new expedition against Nicaragua. Not, however, under Walker's orders; as he himself is to be the leader of the expedition. It is said that this new expedition is to sail from New Orleans, or from Mobile or Texas. This I bring to your knowledge, in order that Your Excellency may issue such directions as the Government may deem expedient to prevent the departure of said expedition. I have the honor [etc.].

[1] The translation, apparently made in the Department at the time the note was received, is thus. The Spanish original reads, "El Excmo. Señor Diputado Presidente."

[2] Notes from Central America, vol. 3. Received February 17.

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

BROOKLYN, NEW YORK, *February 15, 1858.*

Although I have received no despatch from the Minister of Foreign Relations of Nicaragua, by the steamer Star of the West, which came in on the 13th instant and although I do not expect my correspondence before the end of the month, via San Juan del Sur, because that is the regular and safest way by which official communications are transmitted to me; I have deemed it proper to impart to you that I have seen a letter written at Greytown on the 16th ultimo, with a postcript of the 28th, in which it is affirmed that news had reached that place, of the ratification of the treaty between Nicaragua and the United States and of the rejection of that between Nicaragua and Costa Rica.

The same letter states that General Lamar, the United States' minister, had gone up the river on board of the Steamer Morgan; the said steamer having been helped in the trip by the United States frigate Susquehanna.

I have the honor [etc.].

1424

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [2]

[EXTRACTS]

No. 4 MANAGUA, NICARAGUA, *February 26, 1858.*

SIR: . . . Having complied with the required formalities on such occasions, I delivered my Credentials to the President on the 8. Insᵗ. . . .

Even before I was recognised in my official capacity the work of enforcing the action of the government on the pending Treaty between the two countries had already begun. The Minister of Foreign Relations, with a few of the Deputies of the National Assembly, called upon me privately and manifested, in a desultory conversation, their repugnance to many portions of the Treaty. I understood at once that I had to combat many prejudices and wrong conceptions, both with regard to the spirit of the treaty and the intentions of our government; and to this end, my share of the conversation was chiefly directed. Immediately upon my recognition, conversations with the Minister of Foreign Relations upon this subject were renewed; and became frequent and protracted; in all of which it was my endeavor to allay his ap-

[1] Notes from Central America, vol. 2. Received February 17.

prehensions, and to smoothe the way, as far as posible [*sic*], to its speedy ratification. . . .

. . . Indeed I feel almost confident that the treaty will be ratified by the next Steamer in spite of the prevailing fears that, instead of its closing, it will only open the door to Filibustering. This is the great dread of the nation.

There is in all this country a deep-seated terror, that, when the Americans are admitted into it, the natives will be thrust aside—their nationality lost,—their religion destroyed,—and the common classes be converted into hewers of wood and drawers of warter. I have laboured hard to allay these apprehensions, by arguments and considerations of every class and kind, which it would be useless to recapitulate in this communication. I think, however, that my everlasting talk amongst them, and kind assurances, have not been without their good effects. There is at this time a better state of feeling towards the United States than has ever existed; and in Mr. Buchanan personally the public confidence is unbounded. They seldom speak of him as President of the United States; but separating him from his office, call him by name, and hail him as a friend. . . .

Since writing the above and just as I was on the eve of closing this despatch, I have been confidentially informed that the President says that the Congress will adjourn very soon in order to avoid any action on the Treaty for the present; and that it will reassemble before the expiration of the time allowed for the ratification of the treaty. I have no time now to inquire into the matter; but within the last two days various persons have arrived here, —and among them several foreigners, who are in continual communication with the President; and there is, to every appearance powerful machinations going on to defeat the Treaty. I have no idea they will be able to effect this; but the prospects of a speedy ratification, have somewhat changed since writing the foregoing.

Webster, Vanderbilt's Agent, is among the wire-workers. He arrived here yesterday, and immediately notified this government that he had purchased, in the name of Vanderbilt, from the government of Costa-Rica, the two lake Steamers—San Carlos, and La Virgin—together with all the rights of Costa Rica on the two river Steamers now at San Juan Del Norte. He is to pay Costa Rica Ninety thousand dollars for said vessels; but according to contract, Nicaragua is to have the refusal of them—that is—she has the right to take them at the same price in preference to Webster, provided she pays the Ninety thousand dollars by the 20th of next month—a thing impossible.—Webster tells this government, that Stebbins and White will not be able to

strengthened by the application (as I am told) of this company to have the time of commencing the route until next January. Besides, the Company have forwarded to the Nicaraguan government, some legal opinion going to prove that they have not as yet forfeited their contract, nor can forfeit it while the Water in the San Juan remains too low, to admit the large Steamers to pass into the Lake. As to the final action of this government in the matter I can hazzard no opinion at present. Upon this subject, as upon many others, it is bewildered, vacillating, and knows not what to do.

Irrisarri, has written to his government, referring it to some articles in the Union,—I have not seen them—and has endeavored to enforce the idea that Nicaragua has nothing to expect but *aggression*, either from the Government of the United States or from the Filibusters. He says there is no remedy; and recommends the adoption of the treaty as the least of two evils, preferring that this country should be filibustered by our goverment than by private marauders. I have not seen his correspondence, but am well assured that it goes to the above purport; and it has produced considerable sensation here; and I believe gave rise to the idea already alluded to, of adjourning the Assembly to avoid any action on the treaty at present. . . .

I have the honor [etc.].

1425

William Carey Jones, Special Agent of the United States to Central America, to Gregorio Juárez, Minister of Foreign Affairs of Nicaragua [1]

[EXTRACTS]

A MANAGUA, *February 27, 1858.*

SIR: It is my desire to embark on the steamer "Columbus", which is expected to arrive in the port of Realejo about the 1st prox° & to depart in that vessel for the United States. With my departure will conclude in the territories of Nicaragua the Agency that I am entrusted with by the United States, & which led to the relations & correspondence that I have had the honor to hold with the M. E. government of this Republic.

The expressions of friendship & good will that I was charged on the part of the government at Washington to convey to the authorities & people of this State were very agreable for me to communicate, because entirely shared in by me.

One of the desires earnestly expressed by my government in behalf of this

[1] Special Agents, vol. 20, enclosed with Jones to the Secretary of State, March 31, 1858, below, this part, doc. 1428.

government. In response to this benevolent desire—I had the satisfaction, even before I had had an opportunity for an interview with the supreme functionaries of the State to communicate to Washington my belief that the conflicting parties here had so accomodated their differences, & the country was so fatigued with the disastrous Wars brought on by those differences, that the steps then taking would result in the establishment of a constitutional government, with the popular approbation, & consent of all parties. Afterward, I had the satisfaction to advise of the progress of the elections, & my more matured conviction that the then authority of the State, which, if anomalous in its character was not the less real, would speedily be followed by a government combining the qualities of fact & law.

This information I had confidence at the time to assure Y. E. & other members of the M. E. government, would speedily result in the accomplishment of the desire so earnestly expressed by the authorities here for a recognition by the Cabinet at Washington. This assurance was not given without being well considered, & it has not been disappointed. Not only was promptly recognized & treated with the gentleman nominated by the Provisional Government, to represent it at Washington, but the Cabinet there, with the advice & consent of the Senate, has appointed a Minister Plenipotentiary here, & selected for the place a statesman of distinguished reputation & character. In making the communications that have been followed by this happy result, I did not fail also to communicate to Washington the very courteous decree in which this M. E. Government was pleased to offer me its confidence & direct its functionaries to aid me in the objects of my agency, nor any of the acts of politeness & consideration which convinced me, & were calculated to manifest to the United States a reciprocity of the friendly regard that I knew was entertained for this State by that government, & which I had been charged with the agreable duty to express.

Those courtesies on the part of your honorable department & of the M. E. government I have taken the proper occasion to acknowledge, & to express my thanks for, & I now have pleasure in renewing the expression of those sentiments.—

It is a matter of much regret with me that I cannot here close this note with only those kindly expressions that are appropriate to a letter of departure.

But the candor with which I have conducted my relations & correspondence with this State compels me to continue.[1] . . .

I again make my acknowledgments & thanks for the courtesies with which this M. E. government found proper to my arrival, & especially for the good relations official and personal, that I have constantly had with Y. E.

I have the honor [etc.].

Gregorio Juárez, Minister of Foreign Affairs of Nicaragua, to William Carey Jones, Special Agent of the United States to Central America [1]

[TRANSLATION]

B MANAGUA, *February 27, 1858.*

SIR: At this moment, which is nine o'clock at night, I have received your estimable letter of farewell, advising my government that you depart for the United States by the approaching steamer "Columbus."

You have had the goodness to appreciate the manifestations of good will of my government, the friendly candor with which the undersigned has had the honor to entertain with you the most cordial relations.

At the same time you bring to view the pain which you experience in making mention of some disagreeable occurrences that have happened with persons of your nation, and even with yourself, during the last conflict in which the Republic saw itself by the new invasion of Walker.

My government, profoundly grateful for your efficacious coöperation in the reestablishment of the credit of the Republic before your M. E. government, instructs me to give you the amplest thanks, and to manifest to you its ardent desires that your voyage may be prosperous, and that in arriving in the bosom of your family you will find causes of happiness and congratulation; and alone remains the regret that you should have chosen these moments to record disagreeable acts whose fatal impression may erase from your memory those sympathies those civilities and polite attentions of the Nicaraguences displayed toward you.

With sentiments of respect, and with my earnest wishes that your voyage may be happy, I subscribe myself [etc.].

1427

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [2]

[EXTRACTS]

No. 6 MANAGUA, NICARAGUA, *March 27, 1858.*

SIR: The Treaty between the United States and Nicaragua was ratified by the National Assembly last night, after a long-contested struggle. The opposition to the Treaty was obstinate and inveterate; but wisdom and patriotism finally triumphed over prejudice, bigotry, and hatred. The victory

It has been a hard matter with me to combat the deep prejudices prevailing on this subject, and I believe the ratification would have failed or been postponed, but for a private communication which I addressed to Minister Juarez, and which was read to the most influential members of the Assembly, depicting the real condition of their country and the fatal consequences which would inevitably flow from the indulgence of unfounded prejudices against my government, and the rejection of its proffered friendship. I do not transmit this document, because it was inofficial and prepared only to meet the emergencies of the moment. . . .

Webster has entered into a contract, in the name of Vanderbilt, for opening the Transit through the Istmus. It wants, however, final confirmation by the President. Anxious to ascertain what course His Excellency would take in the matter I had a short conversation with him this morning; but could get nothing out of him. I have come to the conclusion, from all that I can gather, that Stebbins and White will be allowed until June next to have their boats actually on the route, or forfeit their contract; in which event Webster's Contract will be considered as valid. The President thinks the conditions of this one are much more favorable to Nicaragua than those of Stebbins and White's, and would probably adopt it, at once and unconditionally, if he did not fear the reclamations which Stebbins and White might make upon the Government of Nicaragua. The President tells me that Irisarri is in favor of Stebbins and White. Webster has boasted that the old Comodore is determined to have the line either by fair or fowl means.

Finding that I had no influence with the Government with respect to Webster's contract, I addressed a letter, here appended,[1] to the Minister of Foreign Relations urging the propriety of submitting it to the President of the United States for its approval, before its final ratification. My suggestion, however, was studiously avoided. The authorities seemed resolved that our government should have no voice in the matter. . . .

I have the honor [etc.].

1428

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States [2]

WASHINGTON, *March 31, 1858.*

SIR: I have the honor to inform you of my arrival in this city. I arrived last evening from Managua in Nicaragua, via Realejo, Panama, Havana and Charleston.

[1] Not included in this publication. Its purport and effect are here indicated.

that month to Managua, whither I had learned that Genl Lamar had arrived. From the hands of Genl. Lamar I received on the *6th of Feby.* the despatch with which you honored me under date of *29th of December.*[2] Like delays have attended the receipt of all the communications that the Department has been pleased to send to me: a circumstance that has much embarrassed my movements. Had the dispatch of the 29th of December, or a duplicate of it, been forwarded to me by mail I should have received it on the 23d of Jan. at Realejo, saving a fortnight's time, & a journey (going & returning) of a hundred & eighty miles to procure it.

After communicating with Genl. Lamar, as above stated, in the early part of February, I again visited the towns of Leon, Chinandegua, & Realejo, & other places of interest in that part of Nicaragua.

In the latter part of that month I thought it proper again to make the journey to Managua for the purpose of a final interview with Genl. Lamar, & to take leave of the Government with which I had been in communication. Accordingly on the 27th of February I addressed the letter of which a copy is sent herewith, (marked A.)[3] to the Hon. Secy. of Foreign Relations, Don Gregorio Juarez. I read this letter to Genl. Lamar; and at his request permitted a copy of it to be taken for him. The paper herewith sent (marked B.)[4] is a copy and translation of the reply which the Honble. Señor Juarez was pleased to transmit to me. It was not with less regret than that gentleman expresses that I found myself obliged at the close of my intercourse with that State to allude to unpleasant circumstances. I could not, however, according to my ideas of frankness & fair dealing, take leave of the State without at least seeking out the heads of those subjects of complaint that had occurred immediately in my own knowledge & that I had determined it to be my duty to communicate in respect of[5] with your Department. I avoided any thing beyond a statement of the points; that being sufficient to apprize whatever functionaries of the character of the communications that with reference to the matters mentioned I should make. In the hurried reading of my note which the brief space of time only allowed prior to the replication to it, the honorable Minister Juarez has received the impression that among the subjects that I speak regretfully of are some personal to myself. You will observe, however, that I carefully avoid mentioning any grievance of my own. If hereafter the repugnance that I have to so doing should be overcome, it will be by developments that make it an imperative duty. It affords me much satisfaction to say, that during all my sojourn in Nicaragua it was my good fortune to have with the honorable gentleman who so ably occupies the foreign department of that State the friendliest relations political and personal.

[1] Not included in this publication. [2] Above, this volume, pt. I, doc. 1090.

The suggestion which I made in my letter of 22d Feby.[1] that the treaty concluded in this city (Washington) with M. Yrizarri, as Plenipotentiary from Nicaragua, had been ratified, and, with the ratification, would be returned by that mail to the United States turns out not to have been fulfilled. I wrote at a distance from the Capital, but the information on which I wrote was from the highest authority, & direct and positive; and what I wrote in relation to the matter was undoubtedly the line of policy that had been determined on in the latter part of January. That policy was changed by positive information being received of the approach of a Minister Plenipotentiary from the United States, and the hope that he would be accompanied, or speedily followed, by Diplomatic Representatives from the courts of Great Britain and France. According to the best opinions that I could form in my last very brief visit to Managua, it is not probable that the treaty will be ratified by the authorities of Nicaragua except with material modifications, nor till after consultation with the governments of the other Isthmian States. On all these subjects, however, Genl Lamar will undoubtedly have fully informed you.

I have the pleasure to be able to state that General Lamar had made a most favorable impression on the public mind. A manuscript copy of his address on the occasion of his official reception was circulated in Leon and Chinandegua at the time of my last visits to those places, and gave much satisfaction, as was expressed to me on many occasions by the most intelligent & influential inhabitants.

I am engaged in the preparation of my final report to the Department of the results of my agency, and will conclude it with all diligence.

I have the honor [etc.].

1429

William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States [2]

WASHINGTON, *April 7, 1858.*

SIR: The letters which I had the honor to address to you from San José and Punta-Arenas, in Costa Rica, on the 2nd & 6th September last,[3] narrated how the government of that State had seen fit to ignore & contemn certain acts of this government, for that purpose stultifying its own previous conduct; to imprison in a barbarous manner, and otherwise maltreat, an American Citizen, without any cause assigned, or even conjectured, and without process of law; to deny to an agent and representative of this government the privileges

were requested by this government in the case referred to, to menace that agent and representative that he should receive an answer to a civil and proper application of his "through the Captain of Police," & to refuse, with insolence and contempt, to receive communications which it was informed and aware this government had given special directions should be made to it.

In the communications that the Department has been pleased to address to me, these occurrences & facts are not alluded to; and I learn from inquiry of the Assistant Secratary of State that they have not been the occasion of any rebuke, or even remark, to the State whose conduct is in question; & further, that directions have already gone forward to establish diplomatic intercourse with that State in its own Capital, without reference to its above mentioned & other insolences.

Knowledge of these facts necessarily gives me much pain. The conduct of the government of Costa Rica was not in any sense a personal indignity, nor a matter of which, as far as the record shows, I could personally complain. It was an indignity to the United States, & in that respect undisguised, and in no way made personal. But the action, or rather the non-action, of the government of the United States, whatever its intent, necessarily implies to me a censure and rebuke; and I am not disposed to rest under censure or rebuke administered by implication. I therefore request that the matter be immediately examined, and the opinion of the Department distinctly set out.

Very respectfully [etc.].

1430

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

BROOKLYN, NEW YORK, *April 16, 1858.*

The Envoy Extraordinary and Minister Plenipotentiary of Nicaragua has the honor of communicating to His Excellency the Secretary of State of the United States of America that a *filibustering* expedition against Nicaragua is in a state of preparation at Mobile, and that it will sail thence, or from New Orleans, in the beginning of June next.

The Legislature of Alabama has granted to a Company the privilege of establishing a steam-line between Mobile and the ports of the Gulf of Mexico and those of the Caribean Sea; and the Undersigned is in possession of most positive information, that will not allow him to doubt that said company intends, under the specious name of emigrants, to introduce large parties of *filibusters* into Nicaragua, by San Juan del Norte. This scheme of disguised invasion of Central America was arranged by William Walker before

out that expedition, are the individuals who now constitute the said privileged company; whilst the Undersigned has ascertained that this company is to be connected with another one organized in San Francisco, in California, which will monthly dispatch, for San Juan del Sur and Realejo, a number of sailing Brigs; the ultimate intention being to cruise on Lake Nicaragua, in *bongoes* and launches, of the larger size, which they will have brought over for that purpose.

The stockholders have agreed not to charge more than ten dollars for each passenger, to obviate the idea that they are carried over gratis; but it is well understood that the ten dollars are to be paid out of the coffers of the company; and it is supposed that the pretended peaceful emigrants will be able to land with their arms, because it is asserted to be the privilege of citizens of the United States to carry their weapons wherever they please. The command of the Steamer, which it is proposed to clear on the first of June proximo, will be given to Captain Faysoux, who served under Walker in his former attempts against Nicaragua; whilst the command of the sailing vessels is to be entrusted to Colonel Kewen, belonging to the same party.

It is evident that those who cherish the intention of invading Nicaragua and asserting dominion over Central America, have endeavored, in this instance, to cloak their expedition in the garb of legality and fairness, so that they may neither be prevented from leaving the ports here, nor shut out from those of Nicaragua. If these expeditions, however, can succeed in baffling the vigilance of the federal authority of the United States of America; they cannot prevent the Governments and the nations, which they threaten with a repetition of these *filibustering* undertakings; from adopting such measures of safety as may be suggested by prudence and required by the law of self-preservation.

The Undersigned has advised the governments, which he represents, of the dangers which threaten them, as he has ascertained their existence in such a way as to leave no room for doubt in his mind; and he feels convinced that these pretended emigrants will not be permitted to land in Nicaragua, or that they shall be dealt with as covert and treacherous enemies, should they succeed in landing, as they now propose to do.

If a friendly government have no right to send troops, armed, or unarmed, through the territory of another friendly government, without the express consent of the latter; much less may foreign individuals cross a country which is not theirs, the Majority of them with arms in their hands. But should such, armed, pilgrimage, at all times and in every land, be looked upon as most suspicious; much more reasonably would it be so in the eyes of the Nicaraguans, who have amply experienced the treachery and the audacity of

ing the most harmless of principles into elements of greatest outrages. But saddest of all is it also that those states, whilst they stand among the weakest should be reduced to the farther necessity of shielding themselves from perils, which stronger States need not apprehend.

Nicaragua is compelled to use the largest precaution against the rash attempts of her invaders; for repeated are the instances, in which, in the port of New York and in other ports of the Union, hostile expeditions were organized against that country, without the ability, on the part of the authorities of this, to prevent their achievement, or, up to this day, to secure punishment of any one of the violators of the laws, upon which the security of nations rest. The instructions of this Government having invariably been eluded; it is binding on the government of that Republic to provide for its own security, through such means as its prudence may suggest.

The government of Nicaragua has opened, to the United States and to all the other nations, a passage across the isthmus of that name, and stipulated, with an American company, for all such conditions as are necessary to the security of the country. But it will not be at liberty to grant to other companies, or to any individual, the right of disposing of that transit as of a thing that has no owner and one, of which the whole world may claim the disposal.

Nicaragua, therefore, holding the unquestionable right of framing those regulations of internal police, required by the transit across her territory, in order that an absolute freedom of passage may not lead to the detriment of the nation; the Undersigned has deemed it to be his duty to acquaint the federal government of the United States of America, with the fact that the government of Nicaragua will recognize, in no company, the right of performing such transit, unless under submission to the internal police of that Republic and on condition of such company's having been formed with the approbation of that government.

The Legislatures of these States of the Union may legislate with a view to action within the limits of their respective territories; but in no manner on questions, that may affect the territories of foreign countries and, in any thing, inflict injury on a foreign sovereignty; since citizens of the United States only will be entitled, in Nicaragua, to the privileges and rights, which are granted to them by virtue of treaties negotiated with the federal government.

The Undersigned has the honor [etc.].

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

BROOKLYN, NEW YORK, *April 22, 1858.*

EX:SIR: I have received your valued note, dated the 20th instant,[2] through which you have been pleased to answer mine of the 16 instant,[3] conveying to you a notice of the lawless expedition, now preparing, at Mobile, against the Republic of Nicaragua; and I greatly regret to have it to say to Your Excellency that I cannot give the names of the persons, anonymously mentioned in my former note, as participating in the contemplated *filibustering* expedition; because to give them were to break confidence reposed in me and thus to shut out all future disclosures. This notwithstanding, I believe that the details, set forth as to the general scheme, the persons engaged, the time and the localities mentioned in my said note of the 16th instant, are sufficient indications for the federal authorities of the United States to ferret out the rest and to enable them to prevent the consummation of these new attempts at *filibustering* expeditions.

Under the apprehension that ignorance, on the part of some of the citizens of the United States, on the question of transit across the isthmus of Nicaragua, the privilege of which is exclusively granted to the American Atlantic and Pacific Ship Canal Company, might result in prejudice to innocent speculators; it has seemed to me indispensable that the public should be notified that such transit cannot be carried on by any other companies, or individuals, even though the Government of Nicaragua should desire to confer this favor; because it is bound to stand by the guaranty of exclusive privilege, granted to said American Atlantic and Pacific Ship Canal Company. In consequence of this and in conformity with the instructions which I have received, in the premises, I shall to-morrow give the public notice, which Your Excellency will find in the columns of the Herald, the Times and the Tribune.

I have the honor [etc.]

[1] Notes from Central America, vol. 3. Received April 24.
[2] Above, this volume, pt. 1, doc. 1095. [3] Above, this part, doc. 1430.

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACTS]

No. 8 MANAGUA, *April 28, 1858.*

SIR: In my despatch of the 27th ultimo [2] I stated that the Treaty had been ratified and that it would be forwarded by the Steamer "Columbus", then at San Juan del Sur. In this I have been disappointed. The Treaty was indeed ratified, as stated in my letter, by the National Assembly on the 26th of March; and a general impression prevailed that the President had forwarded it to my Government, by Colonel Schlessinger, who left Managua on the 29th for the United States. Schlessinger himself proclaimed in Managua publicly that the President had employed him as bearer of said Treaty. This he did repeatedly in the presence of various members of the Assembly and officers of Government, uncontradicted by any. This Government had not given me any official notice of the ratification of the Treaty by the Assembly; and the reason assigned for such an omission was the press of business and the want of clerks. I attributed to the same causes the non-notification of the President's signing the Treaty.

Every non-committal endeavour was practised to impress upon the public mind as well as my own the idea that the Treaty had received the President's Exequatur; and under this impression I accompanied Colonel Schlessinger as far as Granada, where he exhibited a large packet containing, as he said, the Treaty. Fully satisfied, as everybody else was, that he was bearing said Convention to the United States I gave him the accompanying letter,[3] marked Nº 1º—In [*sic*] few days afterwards I received intelligence from Managua that the Treaty was still in the hands of the President, unsigned by him. I returned without delay to the seat of the Government; . . .[4]

That I, in common with all who were not in the secret, have been deceived is very manifest; but the arts by which this was effected, as well as the object for which it was done, is not now worth the trouble of an explanation. I will simply remark that the day after the ratification of the Treaty by the Assembly I called upon the President—who was more than usually cheerful and communicative—and when I spoke to him about the good impression

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3. Received June 28.

[2] Above, this part, doc. 1427.

[3] Not included in this publication. It was addressed to the captain of a vessel telling him that Colonel Schlessinger was bearer of the treaty and requesting the former to facilitate the latter's journey.

[4] The omitted portion mentioned two enclosures which are not included in this publication. The first is a note from Lamar to the Acting Minister of Foreign Affairs in which he inquired

and satisfactory results, which the reception of the ratified Treaty by my Government at Washington would certainly produce, he did not make any remark from which it could be inferred that the Treaty would not be sent by that very Steamer; on the contrary he agreed entirely with my views, and so we parted pleasantly.

I believe that the object of practising this deception upon me, was to prevent me from making known to my Government the fact that the President had written to Mr. Irisarri instructing him to propose some amendments to the Treaty, which amendments it was supposed I would advise the Government of the United States not to adopt. So they kept me under the impression that the Treaty unaltered had been forwarded, in order that I might not write by the same mail upon the subject.

On the 17th inst. I called upon the acting Minister of Foreign Relations to know the meaning and the object of a Proclamation issued by President Martinez on the 10th of the same month,—a printed copy of which is herewith enclosed—[1] I told him that it was a violent document, vindictive in its

[1] The printed copy was not found, but the following translation of this document was filed as an enclosure with Lamar to the Secretary of State, No. 9, May 26, 1858, below, this part, doc. 1435, although this despatch did not mention it as an enclosure:

[TRANSLATION]

MANAGUA, *April 10, 1858.*

Thomas Martínez, General of Division, and President of the Republic of Nicaragua, to its inhabitants, and to all the people of Central America:

Our great family, divided into five nationalities, thus presents itself to the cupidity of those who envy the fertility of our soil, and the topographical position of our precious Isthmus. This division is the cause of the tenacity of those marauding attacks upon us, which assume a thousand forms in order to accomplish their purposes of robbery and extermination. It is the reason of our lack of progress in the midst of many elements of prosperity and it will be the means of our total ruin if we obstinately persist in this alienation. Division causes injustice and misfortune to weigh so heavily upon us that it has corrupted our morality; whilst that isolated interest is converted into State policy, majority is held as a right and the sword as a title.

Our race and our name are about to encounter the greatest of dangers, Vandalism, which even now maintains its threatening attitude, has invaded us in the midst of our confidence, as you have seen, has insulted our hearths, has burned our towns, and outraged our independence. Inasmuch as these things have occurred, and new outrages are being prepared, it appears to me to be a crime for us to sleep so profoundly, remaining divided when we should increase our strength and unite those elements of resistance to cause our rights to be respected, or to die without seeing the last days of our country.

We have reached the moment when it is necessary to think seriously of defending with decision, loyalty and constancy the soil and waters that Providence has assigned us in the distribution of its gifts, opposing a barrier to the torrent of adventurers who seek to overwhelm us, under pain of cowardly losing this soil and these waters, with our towns, our Religion and our public liberties. We should march straight forward, guided by a single authority, directed by a single Government. With this idea, I propose to raise my feeble voice and to offer the co-operation which I can lend as President of Nicaragua. I should be a traitor to my country and my conscience, did I not say to the Governments

character and equivalent to a declaration of war against my country. He tried to apologize for it; but his apologies were not satisfactory to me, and being himself conscious of this, in the same evening, as a mark of the good understanding that he repeatedly assured this Government was desirous to preserve with the United States, he sent me a note apprising me of the intention of the President to go to Rivas and the purpose of his voyage—which purpose you will find explained in letter marked nº 4[91]—this has been the first and the only time in which this Government has notified me officially of their policy with regard to any of their internal or external questions.

Soon after the reception of said letter I visited the President and expressed to him my wishes for the good success of his intended negociations. He told me that he doubted much whether the question of limits with Costa Rica could be settled without an appeal to arms. Next day he left for Rivas —where he is at this time with President Mora, of Costa Rica, and some dignataries of State, together with Mr. Belly, the supposed representative of France. Whether the question of limits with Costa Rica will be the only one discussed there, or whether the presence of Mr. Belly will bring on the

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against: it is the policy of unwise localism, the offspring of unworthy provincial rivalries, which has produced the bitter fruits we are now harvesting. Let us abjure it then, in the conviction that the principle which unites individualities is the principle which creates great nations and which presides at the progress of civilization and humanity.

Shameful would it be for me to oppose myself to the destinies of Nicaragua, in seeking to preserve the Presidency, converting a personal ambition into an efficient hindrance to the union of Central America. What should my ambition be?—To defeat effectually the designs of the enemies of my country.—They look with favor upon our five nationalties that they may sneer at us and consummate their iniquitous ends. I congratulate myself that my ambition shall not serve them in preventing the reintegration of the Republic of Central America. On the contrary, I now address the governments of our brothers, inviting the five Presidents to unite at some place and there deliberate upon the means of securing a general government that shall put an end to our little differences and exalt our national dignity. Great would be my delight if in place of commencing my constitutional period of the Presidency, I could resign the authority conferred upon me into the hands of the President of the Republic of Central America.

I call upon my countrymen of all political parties, to exert themselves in the great work of the regeneration of the nation. The political forms which occupy your thoughts are nothing if they do not secure the benefits they seek.— To be or not to be is now the question.— Let us discuss at a future time the manner in which we shall be.

We have exhausted our strength, we have shed our blood for miserable passions, for trifling interests, for illusions of Government. Let us now dedicate our faculties to the salvation of our country under the Aegis of a single law, and of a single authority, treating this important business with prudence and with fraternal accord. More than ever harmony and peace are necessary amongst us. He who attempts the contrary is a parricide.

Peace and national union at home, valor and constancy to resist and defeat the common enemy, are the civic virtues needed at the present crisis. To me belongs the duty of preserving the peace of Nicaragua and good intelligence with the neighboring Governments. I desire and am disposed to co-operate in the re-establishment of a national Government; and I feel that I have sufficient resignation to expose and to lose my life in

tapis other questions—in which the United States may be interested,—is a matter unknown at present.[1] . . .

I have the honor [etc.].

1433

Antonio José de Irisarri, Nicaraguan and Guatemalan Minister to the United States, to Lewis Cass, Secretary of State of the United States [2]

Private and Confidential BROOKLYN, NEW YORK, *May 8, 1858.*

DEAR SIR: On my arrival in this city on the 4th instant, I found a despatch from the Minister of Foreign Relations of Guatemala dated the 22d March, directing me to take measures to obtain two steamboats for the navigation of Iztapa [Istapa?] river. This would delay my leaving for Nicaragua so soon as I had intended. On the other hand reflecting that the treaty ratified must arrive here on the 27th or the 28th instant, according to the information received from the Department of Foreign Relations of Nicaragua, my going to Nicaragua would be useless. Assuming that the transmission of the treaty is delayed, and that it does not come in the course of this month of May, I have informed the Department of State, that I shall resign, and request that another Minister may be appointed in my place; as I have resolved not to continue acting as the representative of Nicaragua in the position in which I would then be placed. I have likewise fully communicated to the Department in writing all I could verbally explain as to the necessity of sending immediately the treaty ratified. I hope thus to obtain what I had proposed to myself by going personally to Nicaragua.

I enclose a slip from the New York Herald of today, which will substantiate what I have stated to you, as to the intrigues which might embarass my efforts; these intrigues being set on foot by certain private individuals; foreigners as well as citizens of the United States.

I reiterate the assurances of my highest consideration.

[1] The omitted portion mentioned an enclosure from a private citizen relating to Belly's influence, and also discussed the failure to settle claims, and suggested in connection with the latter, that the presence of a United States man-of-war would do much towards bringing the people to terms.

[2] Notes from Central America, vol. 3. Received May 10.

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Gregorio Juárez, Minister of Foreign Affairs of Nicaragua [1]

No. 2 MANAGUA, NICARAGUA, *May 15, 1858.*

SIR: I have received your note of the 14th ins^t^,[2] with a copy of the Official Gazette containing some of the results of the conference had at Rivas by His Excellency the President of Nicaragua and His Excellency the President of Costa-Rica.

I have no doubt that my government will be gratified in knowing that harmony and good relations have been established between Nicaragua and Costa-Rica; because every measure which may contribute to the peace and prosperity of those two Republics will be in accordance with the policy of the United States, so highly interested in the stability, Sovereignty and independent action of all the Central American States, whose union under a Federal System of government could scarcely fail to make them a prosperous and powerful nation.

I beg leave to express my gratification at the continued confidence and good feelings between our governments; and at the daily improving prospects of Nicaragua.

I have the honor [etc.].

1435

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [3]

[EXTRACTS]

No. 9 MANAGUA, NICARAGUA, *May 26, 1858.*

SIR: Col. H. L. Kinney—who has some pretensions to a right or contract for colonizing certain portions of the Mosquito coast—made his appearance with some half dozen associates at San Juan del Norte on the 16th April; and on the 27th he attempted by force to depose the British or Mosquito authorities of that place and reestablish the jurisdiction of Nicaragua there in his own person; but failing in the attempt, he was forced to capitulate on certain conditions. I am told that he was induced to this ill-timed, unauthorized and silly adventure under the hope of rendering such an important service to Nicaragua, as to induce her to recognize his colonial pretensions. But very much to the contrary of his expectations, he was denounced by this Government, according to its own explanations, as "being

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3, enclosed with Lamar to the Secretary of State, No. 10, May 28, 1858, below, this part, doc. 1436.

[2] Not included in this publication. It was hardly more than a mere note of transmittal, [illegible] ratification of the supposed settlement of the boundary issue. The treaty

imbued with the spirit of piracy;" and was forbid to enter into the interior of the country; although it appears that one of the conditions of his capitulation was that he might do so. Nicaragua, however, does not recognize this treaty as binding on her; and accordingly denies admission to said Kinney.[1] . . .

The correspondence, which this adventure gave rise to, between Minister Cortés and myself is hereto appended. (Nos 3º to 9º)— His first note simply states that Kinney and his associates had created some disturbance in San Juan del Norte, for which the Government had refused to allow them to come into the interior of the country, characterizing them as men piratically disposed. I certainly could have no disposition to palliate the folly and absurdity of these men, or to screen them from the penalties of the law; but I was weary of hearing my countrymen eternally spoken of by this Government and the nation at large as traitors, murderers, robbers, etc, etc; and accordingly I replied to the minister's note by mine of the 15th. This called forth a rejoinder which contains the declaration that S. Juan del Norte is "out of the jurisdictional limits of the Republic of Nicaragua":— a declaration that seemed to me so much like a renunciation of the Mosquito country to Great Britain, that I was not disposed to enter into the broad field of discussion to which it was likely to lead us. Moreover, in the same note another question was introduced, involving the right of a nation to arbitrarily exclude from its limits the citizens or subjects of a friendly power. Knowing that my Government entertains views on this point more liberal than those of the most of the European Powers, and of any of the Hispano-American countries, I decided to put an end to the correspondence, untill my Government shall think proper to bring those questions into discussion.

I have the honor [etc.].

1436

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [2]

[EXTRACT]

No. 10 MANAGUA, NICARAGUA, *May 28, 1858.*

SIR: . . . During the same interview (the 26th inst.) a lengthy discussion took place in the presence of the Belgian Minister upon some points of the Treaty and upon the importance of its immediate ratification; but I could

[1] The omitted portion refers to two enclosures. Neither these, nor those mentioned in the following sentence giving details of the Kinney expedition, have been considered of sufficient importance to include in this publication. The treaty, improperly so-called, referred to

ments and modifications had been forwarded to Mr. Buchanan and that as soon as Mr. Buchanan's answer was received—which, he said, would be in about eight days,—the Government would then be able to speak more definitely about its fate.

In a previous conversation with the same Minister Cortés, he asked—why were the Americans so anxious to enter Nicaragua as filibusters, while they are invited, under liberal colonization laws, to come as friends? I answered that there was no protection for my countrymen when they came under such invitation; for, at any moment that the Government or influential individuals became offended with, or jealous of them, they were liable to be persecuted, shot, or banished, and have their property confiscated. Under the garantees of a Treaty they would come as peaceful and industrious citizens, and all would be well; but there being no Treaty, there is no safety and they must either keep out of the country, or come into it with arms in their hands for their own protection. He made no reply.

In my despatch, dated 28th April 1858,[1] I mentioned that President Martinez had proceeded to Rivas to meet there President Mora, of Costa Rica, for the purpose of settling the question of Boundary between the two Republics. On the return of the President to Managua, the acting minister of Foreign Affairs addressed me a note (Nº 1º)[2] enclosing a copy of the official Gazette, which, he said, would inform me of the happy results of the interview between the two Presidents at Rivas. I send herewith a copy of said Gazette and also my note—(Nº 2º)[3]—in reply to the Minister's. You will find in the Gazette a Treaty of limits between the two Republics, by which it appears that Nicaragua has conceded all that Costa Rica demanded and probably more than she ever expected to obtain. Under this Treaty Costa Rica now claims all Guanacaste, and the right bank of the San Juan, from three miles below Old Castillo, to the mouth of the river, including Punta Arenas. This concession was made as an inducement to Costa Rica to enter into another Treaty of alliance defensive and offensive against the Filibusters. Besides these two treaties, a triple convention was concluded between said Republics and Salvador, for the same avowed purpose. It is expected by these Governments that the two other States of Central America —Guatemala and Honduras—will soon unite in similar alliance. These treaties have not been published; they are only alluded to in the Editorials of the Official Gazette. All this is done—as it is said here—for the purpose of presenting a formidable front against "the common ennemy";—and who is meant by the common ennemy will be readily comprehended by reference to President Martinez's late violent proclamation, which I forwarded with my last despatches.

President Mora, and Negrete, the Salvador Commissioner, to Rivas; and without doubt exerted considerable influence in the negociation which took place there. I am credibly informed that he publicly denounced the Irisarri Treaty in Costa-Rica, and spoke violently against the American people and of their desires of aggression upon Central America. He has been here several times but I have never seen him. He has confined himself to confidential communication with the Government, and no one seems to know for what purpose. The general understanding is that he is in secret negociation for a right or charter to construct a rail-road from San Juan del Norte to some point of the Pacific—and this I think is probably true; in as much as some of the members of the National Assembly have been enquiring whether the United States would permit such an enterprise, or not. The idea is a popular one;—not from any desire for public improvement but on account of the hope which it inspires that a work of that kind constructed with french capital, and french labor; and owned and controlled by frenchmen would lead to the building up of a french power in this country which would be able to keep the Americans in subordination. Such are the hopes and desire of those who control the destiny of this nation. I do not suppose that said Belly has promised them any thing in the name of his Government; but I am certain that there prevails in this country a strong impression that France and England, as soon as they can have a pretext for so doing, will unite with Nicaragua and all Central America in a war against the United States. The nation is looking forward to this event; and the strong belief that it will sooner or later take place, has much to do in shaping the present policy and measures of this Government.[1]

The Belgium Plenipoteniary—Mr. Kint—arived here about three weeks ago, and has just concluded a Treaty with this Government. He has negociated similar treaties with all the Central American States, except Costa Rica; whither he will go in a few days for the same purpose. He is a gentleman well adapted to his mission, as he combines fine address and amiable temper with extensive knowledge, experience and considerable talents. He was in Guatemala at the time our Cass and Irisarri Treaty was discussed by that Government. He tells me that it met with severe opposition for a while; but the authorities finally recommended Nicaragua to ratify it without any amendments, or modifications. . . .

I have the honor [etc.].

[1] The following is the text of a letter filed in Notes from Central America, vol. 3, received at the Department of State on June 1, apparently without any covering communication from the Legation, regarding the supposed mission of Mr. Belly:

J. L. White to Lewis Cass, Secretary of State of the United States

[CONFIDENTIAL]

NEW YORK, *May 30, 1858*

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

BROOKLYN, NEW YORK, *May 30, 1858.*

The Secretary for Foreign Relations of Nicaragua, in a communication, dated at Rivas on the 1st of the present month, and advising me that that government has again submitted the treaty of the 16th of November to the Legislature for ratification, instructs me to solicit from this government an extension of the time, within which the exchange of ratifications is to take place and concludes said note in the following words: "The government has

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which I have known since last September and have withheld because of a pledge of secrecy, from which I have only this day been relieved.

Monsieur Belly was sent to Central America by Louis Napoleon in an official capacity; the object of his mission was and still is to procure for a French company, under the protection of the Emperor, the exclusive privilege of transit across the Isthmus of Nicaragua.

This I state not as matter of conjecture, inference or deduction but as a fact of which I have the proof-written, undeniable proof, and which I will place in your hands Tuesday morning next at half past 10. O. C. I regret to add on personal as well as public grounds, that M. Belly has pursued such a course in Nicaragua, as to render the success of his mission more than probable. His constant effort with that government has been to engender feelings of hostility towards the Government and people of the United States; in which effort he has been far too successful. Added to this were constant appeals to official cupidity, which he had been supplied with, the means of gratifying. He has credits to a large amount on the "Credit Mobilier" at Paris.

Martinez and Perez have been seduced and corrupted. Belly is so confident of success that he is now; "Actively organizing a new Central American Transit Company and Canal Association, under the auspices and protection of France. The first object is oust all American Companies".

It was through his instrumentailty, that a recent treaty was made offensive, and defensive between Costa Rica, Nicaragua and San Salvador. He met daily with the Diplomats, who were engaged in that work, in the city of Rivas, consisting of President Mora and his Secretary of Relations, President Martinez, and his Secretary and Negreti, the Minister from San Salvador. His counsel was sought and his advice was taken on every point that became the subject of discussion. In short his influence, as the Representative of France overrides that of all other powers.

And this position and power he has won by incessant abuse of our own citizens, flattering promises of French protection and a liberal supply of ready money, which official integrity in Nicaragua is always ready to receive.

It was at his suggestion that Mr. Irisarri was instructed to apply to you for an extension of the time, within which, the ratifications of the Treaty of the 16th of October, are to be exchanged. If it is considered desirable to reestablish American influence and secure protection to American citizens and property in that quarter of the world, measures must be resorted to for such purpose, within one week. Do not consider this statement as extravagant. I know it to be true and shall take great pleasure in communicating to you my facts and reasons Tuesday next, provided you can give me an audience of an hour. If this cannot be done or if it can be done please telegraph to me tomorrow as early, as possible and direct to 3. Bowling Green.

I would not impose this trouble on you, were it possible for me to be absent, more than one day from this city during the present week.

Very truly your friend.

P.S. I omitted to say that "Belly" has induced the Government of Nicaragua to appoint Marcoleta, Minister to France, that the scheme in which he, as well as "Belly",

the Republic of the United States the sincere wishes of the Government of Nicaragua for the maintenance of peace and friendly harmony, in a most stable and enduring manner, between the two Republics, you should represent to him the existing necessity for the extension alluded to and for the appointment, in understanding with your Excellency, of a new period for the exchange of the ratifications."

With the highest consideration [etc.].

1438

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

Confidential BROOKLYN, NEW YORK, *June 14, 1858.*

ESTEEMED SIR: I have received a letter from Paris, dated the 27th ultimo, in which Mr Marcoleta, who was once Minister of Nicaragua, in this country, speaks to me of Mr Belly's mission to Central America. It is now ten months since he had notified me of that gentleman's projected voyage, as the Agent or attorney of Proust's house, which has since failed. He now informs me that he has become associated with certain Paris bankers and that the Minister of Costa Rica at that Court has an interest in the enterprise. I believe that not only said Minister is interested in this undertaking of Mr Belly; but that individuals of the highest influence in the government of Costa Rica are also interested in the matter; because we have long since had evidence that that government, in the prosecution of its individual aims, has spared no means of breeding confusion in the question of transit across the isthmus.

I have the best reasons for believing Mr Marcoleta to be well informed in the premises and hence I have deemed it proper to convey to you, confidentially, what he has communicated to me in the same form.[2]

I improve the occasion [etc.].

[1] Notes from Central America, vol. 3. Received June 15.

[2] The following is the text of the enclosure with this note from Irisarri:

José de Marcoleta to Antonio José de Irisarri

PARIS, *September 10, 1857.*

MY MUCH ESTEEMED FRIEND: I have now for weeks and even months lost hopes of receiving news from you, although you owe me two answers. I now undertake this new letter, believing that I shall be more fortunate and that you will find a moment to dedicate to my recollection.

I have just given a letter of introduction to Mr. Belly [illegible] Nic[illegible] I

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

Private BROOKLYN, NEW YORK, *June 16, 1858.*

MY DEAR SIR: I have this day seen in the Courier des Etats Unis that it is stated, on the authority of the London Times, that the governments of Costa Rica and of Nicaragua, on the one part and Mr Felix Belly, on the other part, acting as the attorney of the firm of Milland and Co of Paris, have concluded a convention for the opening of an inter-oceanic canal through the St John River and Lake Nicaragua. This convention, it is said, was signed on the 1st of May; it is further stated that the Company binds itself to begin the work within two years from the present time; that the canal is required to be of a breadth sufficient to allow the passage, at the same time, of two large-sized and full-rigged vessels; that it will be entirely under French management and that the French Government will enjoy the exclusive privilege of keeping two vessels of war in the neighboring waters during the whole period of construction of that canal. The grant, as the statement goes, is for a term of ninety nine years, the period to be reckoned from the day of the opening of the Canal. It is stated in addition that the navigation of the Canal will be free to every flag on the payment of an uniform transit-toll. The statement closes with the assertion that this convention is followed by a declaration signed by the Presidents of Costa Rica and of Nicaragua, in

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which I suppose he will speak to you. It is a pity and even greatly to be deplored that the said gentleman and his principals should not have thought of this long before, for by being, or what would have been still better, by having been in Nicaragua, at the conclusion of the war, perhaps a negotiation could have been made respecting the transit and Central America would have been saved from Yankee influence—I do not know what you may have concluded with that government, but I know by the newspapers the instructions you have received from Nicaragua, in opposition as it appears to what Costa Rica has done with the representatives and agents of Morgan, who is a fillibuster as you know, and whose ships have been employed on the Pacific and the Atlantic ocean to carry to Walker, men, arms and munitions. I think it is proper that you should be informed in time of the projects which Belly carries, charging you very particularly not to let Belly understand that you have the information which I have given you. Belly has signed with the house of Prost a contract amounting to 75 or 80 millions of francs guaranteed by the latter for the making of a canal. I have inferred from what I have heard, from what has been suppressed and reserved that perhaps the canal has for its object the Bay of Salinas and the Sopoa or Sapoa and that the purpose of Belly is to go to negotiate at San Jose and if he can effect nothing there then to Nicaragua. This is in substance what I have gathered from all I have heard, though Belly has not explained to me fully. This gentleman is recommended to the French Consul in New York by the Ministerial Department; I have seen the Emperor and as I have informed you several times, he takes a great interest in the affairs of our country and even to such a degree that I cannot explain to you nor trust it to the hazards of a letter. If we could meet we might speak more plainly and leisurely—I trust you will use the greatest reserve on the foregoing subject, and that you will not let Belly understand that I have com-

of filibusters, which are prepared in sight of all and which are, in reality, set up under the patronage of the United States' government, has applied to the European Powers to sustain its independence and henceforth prevent its coast's being left at the mercy of marauders.

This latter seems to me to be a very clumsily contrived fiction; for it is incredible that those Presidents could have committed so impolitic an act, unless they had already foregone the use of their reason; and I cannot therefore, admit the fact, until I am compelled no longer to doubt its existence. Touching the contract with Mr Belly, I doubt also its having been signed on the 1st of May; because I have received two communications from the Minister of Foreign Relations of Nicaragua, bearing that date, and as he gives me no notice of any such event, it seems to me that there can be no assurance of it, in as much, at least, as relates to the date of the agreement; and still more so, because I do not believe that the new contract could have been entered into, without a declaration of the loss of the rights of the American Atlantic and Pacific Ship-Canal Company, ratified by the Constituent Assembly of that Republic.

I trust that you will consider my reasons to be well-grounded, for suspending my judgment as to the two points contained in the London Times and for awaiting the arrival of the Steamer, which is to bring the Nicaragua correspondence about the close of this month, in order to believe or disbelieve information of so important and serious a character.

In the meantime, I have the honor [etc.].

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Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 11 MANAGUA, NICARAGUA, *June 24, 1858.*

SIR: On my first arrival in this city, there was every prospect of a speedy ratification of the Treaty; and when I expressed—after much unexpected delay—to Minister Juarez my apprehensions that it would finally be defeated he was quite impatient at my doubts, and spoke of its ratification as a well-understood and settled matter. He was honest in this; for he was friendly to the treaty; and it was mainly through his exertions that it passed the National Assembly.

This country has long been divided into two factions known as the Leon party, and the Granadian party—the first calling themselves Democrats, and the second, Legitimists. The government is now entirely in the hands of the

less, by a fortuitous combination of circumstances, the Leonists, or democratic party succeeded in carrying the Treaty through that body by one vote. The course which the Executive pursued in reference to it, I have detailed in my despatch, dated 28th of April last.[1]

The motives of the President in allowing Schlesinger to depart under the impression that he was bearing the treaty to the United States, have never been explained; but in a conversation with Minister Cortez upon my not having been notified of the retention of the Treaty, he said by way of apology, that my sudden departure for Granada did not allow his Department sufficient time to apprise me of the President's determination; but he did not say that it was his intention to have so notified me, had I not departed.

As soon as this fraud came to light, I was satisfied that the President would never affix his Exequatur to that Treaty—an opinion in which I was more fully confirmed by his violent Proclamation[2] which followed soon after. That document was prepared in great secrecy; and made its sudden appearance to the surprise of many. It invokes a congress of the five Presidents of Central America for the purpose of organizing a Federal Government as the best means of offering resistance to the Common Enemy;—a phrase, which like the word *Filibuster* is now used in this country; as synonimous with United States, and is only employed for the purpose of avoiding the open expression of a sentiment, whose existence it is deemed prudent to *deny;* but which, nevertheless, inspires every action of this government towards ours.

Although the President was duly apprised that our Government had recommended the reunion of the Central American States under a Federal System of Government, and that I was ready to cooperate in its promotion as far as I could in anywise be useful, yet no reference was made in said proclamation to the opinions or desires which our Government had expressed on the subject, nor any intimation given me that such a step was about to be taken. When the Proclamation came to my knowledge through the colums of the press, I comprehended, at once, from its hostile and denunciatory character, the propriety of His Excellency's silence to me, and his non-reference to the opinions of our Government.

In a conversation with Minister Cortez concerning the intemperence of this document, and the impropriety of issuing such a one at a moment when negociations of amity and peace were pending between the two countries—he said that it was not written in any spirit of hostility to the United States; but was intended only to animate and excite the States to the establishment of a Federal Government. So many difficulties,—he said—had heretofore intervened to defeat this great object, that it was believed that an appeal of this kind, under existing circumstances, would do more towards disposing the States to the desired Union than any dispassionate address to their reason

that while it stirred up the people of this country, it might produce the same effect in mine;—to which he expressed the belief that the real intentions of his government, would not be misinterpreted in the United States.

The accompanying copy of the "*Gaceta de Nicaragua*"[1]—the government paper—contains the replies of Guatamala, Salvador and Honduras to the call of the Proclamation; by which it will be seen that, while all three of these States, recognise the policy of the proposed convention of Presidents, Guatamala declines, for certain reasons, to come into the measure. Her reply is temperate, and not offensive to our country. She has, however, entered into a treaty of alliance, offensive and defensive with Salvador.—Nicaragua, Costa-Rica and Salvador have entered into a similar treaty, as mentioned in my despatch No. 10—28th May.[2]

These alliances are all made in the true spirit of that Proclamation. The violence of that document—the time and manner of issuing it—the responces elicited by it—the results which have followed—and the singular explanation of the Minister—all conspire to stamp it as a measure of decided hostility to the United States.

I do not suppose that Nicaragua has been encouraged in her present policy by any direct and positive assurances from abroad; and yet I cannot resist the idea, that she and Costa Rica—if not all Central America—are acting under the hope of foreign interposition in their relations with the United States. Nicaragua in particular, is impressed with the idea that any collision between her and our country will be construed by England into a violation of the Clayton-Bulwer Treaty, and made the pretext of an interferrence on the part of that power.

One would suppose that that very convention, and the discussion growing out of it, ought to satisfy all the Central American States of the good intentions of our Government towards them; but it has not had such effect upon Nicaragua. She still regards the United States as the great, arch-enemy to be dreaded; and would gladly unite with any power against our country, even though the war on our part might be the vindication of her territorial rights. No credit is conceded to our government for asserting the rights of Nicaragua to the Mosquito Coast. She believes that the Clayton-Bulwer Treaty was celebrated on the part of the United States, to prevent the British from attaining an influence and power in this quarter superior to our own; and that out Government is only restrained from seizing upon all Central America, by the dread of a Collission with that power. Whence the people obtain these ideas, I know not—unless it be from European intermedlers at San Juan Del Norte, and others floating through the country; but the fact of their existence is sufficient to shew our government the nature of the influences—the amount of ignorance—and the strength of prejudices

ments from the government; but I think I comprehend, pretty well, the spirit of the nation—or at least that part of it which is now directing its destinies.

The great trouble with Nicaragua may be easily explained. She saw in the meloncholly results of the Walker War, how near she was being conquered by a handful of Filibusters—and from that day to the present moment, she has been oppressed with a sense of insecurity, so long as an American is allowed to tread her soil.

This sense of insecurity has been greatly augmented by the Cass and Irizairi [Irisarri] Treaty; for Nicaragua beleives that under the protection of that Treaty, combined with the facilities of the Transit, the Americans will pour into her territory in overwhelming numbers, and by their superior energy, knowledge, wealth and enterprise will soon possess themselves of all power and convert the country into an American Republic. The dread of being thus denationalized and her people degraded, is the great, and probably sole impediment to a good understanding with her.

I have done all in my power to expose the falacy [*sic*] of those fears, and to shew the impossibility of their being realized; but all to no purpose; for nothing that an American can say upon the subject is beleived, or listened to with patience. This apprehension has engendered a deep hatred of our race—beyond the reach of reason—and which can only be removed by time and circumstances.—

I am satisfied that Nicaragua is not in a disposition to appreciate any overtures of friendship which the United States can offer her; and that she will not enter into any reasonable relations with our government until she is first undeceived upon one point—and that is the interposition of England and France in her affairs with our country. Nothing can be done with her, until she is convinced that she has to be responsible for her acts, and to fight her own battles. This, and nothing short of this will bring her to her senses. For this purpose, I think it will suffise for the present, if our Government would make a rigerous collection of our reclamations against her. I do not know to what extent the President is authorized to make reprisals; but if a Man of War could appear at Realejo, demanding immediate indemnity for the murder, robery, and persecution of our citizens, there would be no furthur difficulty with this blind, infatuated people.

I have the honor [etc.].

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACTS]

No. 12 MANAGUA, NICARAGUA, *June 26, 1858.*

SIR: I have delayed writing until the very last moment, in hopes that I might be able to communicate something definite in relation to the Treaty. But all is still in doubt and obscurity. I am told—but not by the government—that the despatches expected from Mr. Irizarri in relation to the Treaty have not been received—upon the nature of which, the fate of the Treaty dependes. If our government have yielded to all the demands of this—then the Treaty will be ratified;—if otherwise, its rejection is certain—if it is not already lost by the lapse of time. The truth is, this Administration is irreconcilably hostile to the United States, and no cordial relations may be expected with it. . . .

I have just received intelligence—confidentially—that President Martinas has been notified that Vanderbilt has repudiated all the acts, and contracts of Webster in relation to the Transit. What Stebbins and White—or Vanderbilt proposes to do, you have better opportunity of ascertaining, than I have; for the government here communicates none of its intentions to me.

My advise would be for our Government to take measures of its own for opening this Route; and to plant the necessary force in the country to protect it, without any reference to this government. It will come to this at last; for I am satisfied that this country does not desire the Transit; but knowing the impossibility of closing the route, its whole study now is, to have it placed under the protection of Great-Britain and France.

One of the stipulations of the late Treaty of alliance between Nicaragua and Costa Rica, is that the territory from the Colorado River down to Point Arenas, is to be occupied and defended jointly by the two Republics; and in accordance with this arrangement the two goverments are preparing to plant a joint military force at the mouth of the San Juan.

It is rumored here that Sir William Gore Ousley will soon make his appearance in Nicaragua.— Should he do so, I can vouch for the supremacy of his power. Any British or French Minister in Nicaragua at this moment would be the government. . . .

I have the honor [etc.].

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3. Received July 28.
The two omitted portions of this despatch reported that additional filibuster propaganda had been circulated by the Frenchman Belly, and also discussed internal and personal

Antonio José de Irisarri, Nicaraguan, Guatemalan, and Salvadoran Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

Private BROOKLYN, NEW YORK, *June 28, 1858.*

DEAR SIR: By the Moses Taylor I have received only a despatch from the Minister of Foreign Relations of Nicaragua, dated the 28th May, in which he informs me that up to that date the assembly had not resolved any thing about the treaty. Not a word is said relative to the contract with Monsieur Belly. This contract was kept there in the greatest secresy, and nothing had transpired about it. At the same time I have received communications from the Ministers of Foreign Relations of Guatemala and Salvador, in which they state that they and their respective governments considered the ratification of the treaty with the United States as highly advantageous to Central America. This contradicts the news that has been published that these governments were opposed to the treaty. I think now that the treaty will be finally ratified, for my last communication on the subject must have reached [*sic*] in time. I am persuaded that the greatest harm that has been done in Nicaragua has arisen from the suggestions of the government of Costa Rica, and from the agents of Mr Vanderbilt, originating in and transmitted from Washington.

Mr. Marcoleta, the Nicaraguan Minister in France writes to me with date of the 27th May last that he has received a copy of the contract made between the governments of Nicaragua and Costa Rica and Monsieur Belly.

I remain, dear Sir, [etc.].

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Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [2]

Highly confidential BROOKLYN, NEW YORK, *June 30, 1858.*

MY DEAR SIR: In answer to your letter of the date of yesterday [3] I have the honor of saying to you that I enclose the "Gaceta of Nicaragua" of the 24th of April, in which you will find the document to which Genl Lamar has referred.[4] The Minister of Foreign Relations of that Republic writes to me under date of the 26th of said April that Genl Lamar had declared himself

[1] Notes from Central America, vol. 3. No receipt date endorsement on it. The signed original of this is in English.
[2] Notes from Central America, vol. 3. Received July 2.

offended by that publication and that he, the Nicaraguan Minister, did not consider that there was cause of offense, because the statements of General Martinez' proclamation did not refer to the people of the United States generally, but it did to that portion of the people of the Southern section of those States, which had declared in favor of filibusterism. I answered him that I would tender this explanation to you so soon as I could go to Washington, but that it might have been better for him to have expressed himself in a less equivocal form. Indeed I think that, in this instance, there was an unintentional error and I would be happy to be able to think in like manner with respect to the other declaration to the effect that Mr Belly and the President of Costa Rica made the President of Nicaragua append his name to the canal contract, which has been published in Paris. On this head, I have written to that Minister in the proper form to let him know the absurdity, the injustice and the injuriousness of such a declaration.

I beg again [etc.].

1444

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 14. Confidential MANAGUA, NICARAGUA, *July 3, 1858.*

SIR: General Maximo Jerez has been appointed Minister Plenipotentiary to the United States to succeed Mr. Irizarri, should this Minister persist in his determination to retire. The Government here expresses a wish that Mr. Irizarri should continue in his position; but in the event of his absolute refusal to do so, General Jerez will then present his credentials.— I am requested by General Jerez, in communicating this intelligence to my government to express his desire that it may be considered as confidential, since it is feared that said conditional appointment, if known to Mr. Irizarri, might have some influence in deciding that Minister against remaining.

Very respectfully [etc.].

1445

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [2]

No. 15 MANAGUA, NICARAGUA, *July 3, 1858.*

SIR: The Treaty was signed suddenly by the President, and despatched, with various modifications, on the 29 ult, at midnight for Realejo to be

terminate the difficulties respecting the Treaty—he replied, decidedly, that he had none. Some of his friends—as I have been told—endeavored to disuade him from going to Washington, telling him that the presentation of the Treaty, with amendments totally changing its character, at a moment when the time for an exchange of ratifications was about expiring, was an insult, which in all probability would close the door to any further negociations. Such are views and feelings of some of his personal and political friends; but what are his own opinions respecting the Treaty I have not been able to ascertain.

I have the honor [etc.].

1446

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 16 MANAGUA, NICARAGUA, *July 4, 1858.*

SIR: The Soldiers destined for Castillo Viejo are now parading before me; and in a few moments they will be on their march, with the President at their head. This suggests the propriety of making known to my Government the great importance of this point as connected with the Transit. Castillo Viejo is situated on a high hill at an angle of the San Juan river, commanding the stream above and below. Immediately at the foot of this hill are the Falls or Rapids, about two hundred yards wide, of difficult passage even for small boats, but susceptible of easy improvement. The position is by nature almost impregnable and can be rendered entirely so by a little addition to the old works already there.— Should an enemy be allowed to occupy and fortify this place, he would have complete control of the Transit; as it would be impossible for a boat to pass under the fire of the fort; and to capture the place, when once repaired and properly garrisoned would cost much blood and treasure. This naturally suggests the importance of not allowing any power to hold possession of it, except our own government; for I consider it as a settled matter that the United States are bound to have a transit across this Istmus at all hazzard. The condition and necessities of our country imperiously demand it; and the right of crossing, necessarily implies the right of protecting said route and keeping it open—ends which cannot be secured while that position is in the hands of a hostile power. If our Government do not chose to take possession of that point before the opening of the Transit, it is, in my opinion, a matter of some

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3. Received August 2.

importance, as a measure of precaution and future safety, not to allow it to be fortified and occupied, [by?] any other. I write this in exceeding haste.

Very respectfully [etc.].

1447

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 17 MANAGUA, NICARAGUA, *July 9, 1858.*

SIR: In my despatch, No. 15—of the 3rd Inst.[2] I stated that the Treaty had been suddenly signed and despatched at Midnight with various modifications. I have since learned that the Courier did not reach the Steamer in time; so that General Jerez will take the document on with him. We owe the defeat of the Treaty to the interference of Costa-Rica, through her Commissioner, Co^{l} Cauty, an Englishman—to the Frenchman Belly—to Webster, Vanderbilt's Agent; and to some few wealthy merchants in Granada. Against these influences, it was impossible for me to effect anything. Webster boasted to me of the part he had played in the matter, stating that the object of his precipitate visit to Granada after the ratification of the Treaty by the Assembly was to evoke the opposition to it of the prominent men of that place, such as the Vegas, the Lacayos and others.

Under the authority of Genl Jerez himself, I stated in my confidential despatch relating to his appointment as Minister Plenipotentiary, that the Government of Nicaragua was desirous that Mr. Irizarri should continue in his present position as Minister.—See despatch No. 14 of the 3rd inst.[3] I doubt the correctness of this. Indeed I am pretty well satisfied that the Administration here is anxious to get rid of Mr. Irizarri; but fears to offend Guatamala by abruptly dismissing him. Genl Jerez is to act jointly with him—probably as a spy or check upon him—and should Mr. Irizarri object to this cooperation or partnership Jerez will then present his Credentials, and express the profound regret of his Government in losing the services of one whose talents and virtues were so much needed in the present Crisis. Nevertheless, as General Jerez desired his appointment be kept a secret from Mr. Irizarri, for the reason assigned in said despat [ch] *No. 14,* I told him that I would make known his wishes in this respect in writing to my government upon the subject.

Allen and Webster have added to the excitement about the coming of the Filibusters. They tell it here that the country will be invaded again by them; and that very soon. Co^{l} Schlessinger tells me that President Martinas [Martínez] assured him, that in the event of another invasion, the flag

Antonio José de Irisarri, Nicaraguan and Guatemalan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

Confidential BROOKLYN, NEW YORK, *July 26, 1858.*

MY VERY DEAR SIR: As I deem it proper that you should know the views of the Administration of Guatemala as to the questions pending between the United States and Nicaragua—Guatemala being, in every point of view, the most important of the Central-American States—it has seemed to me expedient to transmit to you a copy of a private letter, which I have just received from the Secretary of Foreign Relations of that Republic,[2] in which he

[1] Notes from Central America, vol. 3. Received July 27.

[2] The following is the text of the enclosure:

Pedro de Aycinena to Antonio José de Irisarri

GUATEMALA CITY, *June 2, 1858.*

MY DEAR FRIEND: I am surprised that, by the steamer Columbus, I should have received neither official communication nor private letter from you and I fear lest they should have been intercepted, according to the suspicions which you once intimated to me. From the public newspapers of the United States, which come up to the 5th of May, I perceive that a day has been fixed for Walker's trial and I noticed also that no mention is made of renewed filibustering expeditions. I observed that the people of the United States had received with much pleasure the news to the effect that the Assembly of Nicaragua had ratified the treaty adjusted by General Cass and yourself; and I fear, at the same time, the bad impression that must have been caused by the fact that General Martinez had returned it with certain observations added to it. You already know what was written from here, when the opinion of this government was consulted; but, as we have lately been informed, it appears that the arrival of the President of Costa Rica, accompanied by his minister Toledo and Mr Belly, produced the change, the latter having assured General Martinez that he might rely on the protection of France and of England, should the independence of the country be again threatened by the filibusters. So soon as we became apprized of this, we adopted some private measures to call Genl Martinez' attention to the improbability of the inducements held out to him, as we knew here, through the Chargés of England and France, that the gentleman is entrusted with no diplomatic mission of any kind and that he is, at best, the authorized agent of undertakers, who have sent him forth to promote certain schemes of colonisation and agriculture, which cannot be carried into effect. Beyond this the government of Nicaragua has not, up to this time, communicated to us, either the resolution of the Assembly or its subsequent views; and it is evident that, from the beginning, they have not been able to manage this business, in spite of the prudent suggestions, which you had made to them. And now they speak of nationality and of common interests. Who can wish to enter the labyrinth of negotiations with such people? Or expose himself to the consequences of the want of sagacity and discretion in their conduct? They promise, in Costa Rica, to communicate, by the commencement of next month, the interesting schemes which they had been arranging with Monsieur Belly; but even now I can infer that there will be nothing profitable and I shall take care to advise you of such matters as may come to our knowledge. . . .

speaks of the treaty of the 16th of November of last year, of the conduct of General Martinez, of the influences exerted by the President of Costa Rica on the deliberations of the other President and of the mistake into which both chiefs were led by the offers of Monsieur Belly.

I invite your attention to the fact, stated in the minister's letter, that he had framed his judgment, on the questions which he handles, without any communications of mine, before him, which might have influenced his mind, since his letter begins with a complaint that my correspondence had failed to reach him by either of the two last trips of the Columbus, which leaves Panamá, on the 17th of every month, for the ports on the Pacific.

I call your attention to the other fact also, revealed by the Guatemala letter, one which I have laid down in some of the notes which I have heretofore addressed to you, namely, that the change noticed in the conduct of General Martinez was brought about through the influence of the President of Costa Rica, who journeyed over to Nicaragua for that exclusive purpose. Had it not been for this pestilent influence the treaty would have been ratified and Belly, through his treaty, would not have succeeded in damaging the interests of the American Company to which the privilege has been granted.

The Steamer, expected from Colon within the two next days, will probably bring the acceptance of my resignation of the plenary powers of Nicaragua; but let it be as it may, I shall immediately advise you of the result. Meanwhile I remain [etc.].

1449

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 18 LÉON, NICARAGUA, *July 26, 1858.*

SIR: The Ship-Canal contract which Nicaragua and Costa-Rica entered into with the Frenchman Belly has just reached me through the columns of the New-York Herald. Appended to that convention, is another document signed by President Mora and President Martinas, and entitled "Appeal of Nicaragua and Costa-Rica for European Protection."—[2]

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3. Received August 28.

[2] The following is the text of this remarkable document, copied from an enclosure with this despatch from Lamar:

Declaration of Tomás Martínez and Juan Rafael Mora, Presidents of Nicaragua, and Costa Rica, respectively

ends.

The question now arises as to what course I ought to take with this Government upon the subject. I propose at present, to do nothing more than simply to address a short note to the Minister of Foreign Relations, enquiring into the authenticity of the document, and then, in the event of its being

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establishing between them the most perfect peace and harmony, by common agreement, and in order to insure the independence and safety of the two countries, as well as of all the States of Central America,

CONSIDERING, That a new invasion of American fillibusters again threatens the independence of Nicaragua and of Costa Rica in contempt of all the laws which protect nations and guaranty the life and property of the citizens in civilized countries;

That this invasion, officially reproved by the Gov^t of the U. S., is in reality preparing itself under its patronage, as the means of definitively taking possession of Central America if Central America refuses to surrender herself to the United States;

That hitherto all the official agents of the U. S. in Nicaragua have made themselves accomplices and auxiliaries of the invaders, acting like masters, audaciously hoisting the flag of the U. S. in every place where, as at San Juan of the South, ought only to wave that of Nicaragua, and openly threatening Central America with an inevitable annexation;

That the Minister at present accredited in Nicaragua boasts in public of imperiously laying down this *ultimatum*, either the taking legal possession of Nicaragua, by the ratification of the Cass-Irisarri treaty, or a new invasion of fillibusters organized at Mobile under the American banner;

That, moreover, the Gov^t at Washington has itself declared, according to the official reports sent to the Gov^t of Costa Rica by its Minister Plenipotentiary, that it was absolutely powerless to prevent new attempts of the fillibusters and to protect the neutrality of Central America, thanks to the insufficiency of the legislation of the U. S. on this matter;

CONSIDERING, That three years of war and devastation have swept from the two republics the means of resisting a new attack of several thousand bandits; that the cities of Nicaragua are destroyed in whole or in part, that their commerce is annihilated, that their population is decimated, and that, after an obstinate resistance, which gives evidence of their patriotism, they may succumb to superior numbers if Europe will not deign at last to defend them against unprecedented attempts in the nineteenth century;

SOLEMNLY DECLARE:

1st That they put the foregoing convention, relative to the canal of Nicaragua, under the patronage of civilized Europe, by appealing to the justice and humanity of all Christian nations against the attempts of pirates and buccaneers, whose victims they have been for three years;

2^d That they place the independence and the nationality of the republics of Nicaragua and Costa Rica under the guaranty of the three powers which have caused to be respected the independence and the nationality of the Ottoman Empire—France, England, and Sardinia;

3^d That they supplicate the Govts. of those three powers to no longer leave the shores of Central America without defences, those rich countries at the mercy of a new invasion of barbarians, and the future route of the commerce of the world without a serious guaranty of liberty and of neutrality;

4th That they bind themselves, in the name of their peoples, to accept from those three powers all the conditions which they may put forward for their assistance, provided the public law of civilized Europe is extended to all the States of America, and imposed even by force on those who violate it so audaciously.

In testimony whereof, they sign the present determination.

admitted, to demand the authority for the foul calumny which it contains against our government. This I shall do as soon as I return to Managua, which will be in a few days, and shall then wait instructions from your Department.

Without doubt you have not only already seen the Document alluded to, but have ascertaind its genuiness through the Nicaraguan Ministers in Washington City;—inasmuch as General Jerez, one of said ministers, was a prominent actor in the Rivas Negociations. He had been despatched by Martinas to Costa-Rica, to commence this conspiracy with Belly and Mora. They all came to Rivas, where they met Martinas [Martínez] and his Ministers, and concluded what had been concocted in the other republic.

I have no comment to offer upon this document. It speaks for itself. It is an additional evidence of what I have previously written to your Department respecting the deep malignity and lying propensities of this miserable people. The insulting reflection which it casts upon our government, I doubt not will be duly rebuked. In relation to that portion of said Paper which alludes to myself, I can only say, that it is not only false in every particular; but the very reverse is the truth; for it has been my constant endeavor to allay the apprehensions of these people, instead of exciting their fears. I am accused of boasting, that I intended to present to Nicaragua the alternative of ratifying the treaty or being filibustered. Far to the contrary. I have taken more than ordinary pains to satisfy this government and the people generally that the Government I represent would not allow the Filibusters to invade Nicaragua again whether the treaty was ratified or rejected. I have given the strongest assurances upon this point; and yet the *boast*—of which I am so falsely accused—is presented to European Powers as one of the motives for calling on them for protection!—

The most I ever said touching the course of Martínas with respect to the Treaty was to express the disgust which every honorable mind must feel at the fraud which he practised upon the public, by impressing it with the idea that he had forwarded the Treaty, with his approval, to the United States by Co[l] Schlesinger, when in reality he retained it in his own hands.

I also on two occasions—once to the Military commandat [*sic*] of Rivas department; the same who ordered our American Women to appear at his

to Señor Don Gregorio Juarez—one of the signers of the Belly Contract—and his answer, hereto appended.[1]

I have no right to obtrude my opinions upon our Government; but my indignation and disgust towards this perfidious and profligate people, is so great, that I feel constrained to express the sincere desire and hope, that some prompt, energetic and decisive measures may be taken to convince them that they are responsible for their conduct, and that if they are determined to be enemies, they will be treated as enemies. The insulting fraud which the President of the nation practised upon our government in relation to the ratification of the Treaty— His inflamitory and defying Proclamation of the 10 April, denouncing the United States as a nation of vandals and robbers—the indignity and audacious insult offered to the Administration, accusing it of duplicity and bad faith—the attempt to engage foreign powers in a war against us without cause or provocation—their past atrocities and outrages committed upon our citizens, and their well-known hostility to our whole race, as well as the liability of every American now in the country to be assassinated at any moment by open or secret order of the President—all conspire, in my opinion, to make it imperious upon our government to take redress in its own hands, and teach the barbarians to know that there is a limit to all forbearance, and that their imbecility shall not always protect them against our just resentment for their ingratitude and crimes.

I would, therefore, recommend our Govern[t], to take possession at once of the strongholds along the line of the Transit route, as a measure of protection to whatever company that may open the same, and also for the security of the lives and property of the Americans now in the country. I have already indicated the importance of occupying Castillo Viejo on the San Juan river, and I would now suggest as of equal importance the same course with respect to San. Carlos, at the outlet of the Lake. It is a strong point, and almost indispensable to the preservation of peace along the line.

The Central American question has to be settled some day; and I know of no better time than now. Delay is only complicating matters. England's false interpretation of the Clayton-Bulwer Treaty, furnishes good ground for abrogating that Convention; and I think our government ought to avail itself of this opportunity of getting rid of it before Great Britain recedes from her interpretation, and throws the responsibility of violating it, upon the United States. If that Treaty is to continue under either of the interpretations given to it, we may abandon all hope of progress in this direction. Central America can never advance without the aid of the United States.

us. This they are now seeking to do; and if we would arrest the work, there is but one way to do it, and that is to unfurl the Monroe Banner at once, and defy the foe to strike it down if he can. If we are affraid to do this, then let us revert back to our colonial condition, and pay the Tea-Tax without any further complaint.

Very respectfully [etc.].

1450

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACTS]

No. 20 LEÓN, NICARAGUA, *July* [ ], *1858*.

SIR: . . . I shall proceed without further delay, to bring before this Government the claims for indemnification which are already prepared for presentation; and shall do the same with the balance of the cases as soon as the necessary evidence can be collected.

I forwarded my Credentials to Costa-Rica by the Belgian Minister, and expect to receive the recognition of the government by the next Steamer, when I shall proceed at once to that Republic, and lay our demands before it. . . .

I must beg leave to suggest again the propriety of having a war vessel on this coast—at San Juan del Sur, or at Realejo.— Without this, it is idle to think of bringing this government to any terms. Besides, I consider it necessary to the safety of the Americans now in the country; for there is no telling what Martinas, in his desperation, is capable of doing. He is vindictive enough to do anything, and too ignorant to comprehend the consequences of his conduct.

Very respectfully [etc.].

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3. Received August 28.

There is a space in the date line between "July" and "1858." The date was evidently between July 26 and 31, since his No. 18, above, this part, doc. 1449, and his No. 19, not included in this publication because it related to a prospective consular appointment, both bear the former date.

The omissions in this despatch relate to mails and other matters not pertinent to this publication—such as pecuniary claims, to which brief a general allusion is made in the copied portion.

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACT]

No. 21 LEÓN, NICARAGUA, *July* [ ], *1858*.

SIR: . . . Buenaventura Selva, one of the best lawyers in Nicaragua and Ex-Minister in two Administrations says that the Treaty, according to the laws and Constitution of the country is valid without the signature of the President, in as much as he had presented it to the Assembly for its ratification, and that body had ratified it by a constitution vote of two thirds. This makes it a law without his signing it.— In this opinion he is supported by the two Ex-Presidents Escoto and Rivas. Indeed it is the general opinion here. Martinas himself is aware of the same thing; and would not have sent the Treaty to the Assembly had he not felt confident that that body would reject it. He had every reason to believe this; for the majority of the Assembly were his creatures; and acted under his instruction. Nevertheless, to his utter astonishment it was finally ratified. Thanks to the Democrats! The President then swore in his wrath that he would be hung—that he would see the whole nation destroyed before he would affix his name to it. In spite of this however, he induced the nation to believe that he had signed and forwarded it, when he had not. I believe that if the Democrats could get into power, the most friendly relations might be established between the two countries; but this can never happen while the present Administration continues. Martinas [Martínez] obtained his power by the bayonet and stil retains it by the bayonet.— The people generally feel that they are oppressed and tyranized over; but there is no redress except by revolution; and they are not in a condition for that. I forgot to mention what I intended to have mentioned at the beginning of this Despatch—that, according to the statement of Selva,—who is considered not only a good lawyer but a good man also—Nicaragua some years ago, under the Administration of President Ramerez, passed a law adopting the Monroe Doctrine, and that it is still of force. Juarez says he will publis[h] it in his "*National*"; but he is a timid man and fears Martinas; as indeed the most of the public men do. Martinas has returned to Managua and I am told quite satisfied with his arrangements in the San Juan against the Filibusters.

In a brief interview with Co[l] Bermudez—one of the most reliable men of the country, and whom the Granadians are anxious to assassinate on account of his liberal sentiments detailed to me in public, a part of a conversation

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3. Received August 28.

figuring there. The conversation occurred while Mora Belly and Jerez were preparing to depart for Nicaragua to meet Martinas at Rivas. Mora said, that if he could see Martinas in time, he would prevent his signing the Treaty; and that if Martinas had already signed it, he would proceed to the other States and get them to form a league against Nicaragua for the purpose of forcing her to repudiate and cancel the Ratification. He also stated that in the event of failing in this measure he—Mora—would convert Costa Rica into a French Colony; and that he had already taken steps for that purpose. These facts will go to confirm the conjecture which, I think, I made in a previous despatch, that the extraordinary cession of territory by Nicaragua to Costa Rica in their late treaty of limits was made in consideration of the aid and cooperation which that Republic was to render in any controversy between Nicaragua and the United States. Costa Rica by becoming joint owner of a part of the Transit line, could treat with France for the protection of her interest in the same; and in this way it was hoped to involve Louis Napoleon in their relations with our government. Such was the work of Belly. General Mora at the head of the Military, and brother of the President expressed great confidence in the ability of the two Republics—after their coalition—to repel any attack which the United States might be able to make upon them. He thought the contest would be a bloody one, but had no doubt that victory would in the end crown the arms of the two Republics.

I have penned this with lightning speed, and have no time to make corrections or a fair copy.

Very respectfully [etc.].

1452

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

Confidential

BROOKLYN, NEW YORK, *July 28, 1858.*

MY DEAR SIR: Under date of the 27th of last month, the President of Nicaragua, in his answer to my letter, in which I laid down the reasons, which had induced me to send in my resignation of the plenary powers of that Republic, begs me not to persist in my intention and he adds that, as I have stated that I no longer wish to intervene in the treaty-question, or in the adjustment of matters connected with the Canal Company, because my opinions do not harmonize with those of his administration, he had resolved immediately to send General Jerez, in order that, under my advice, he should settle both the questions [illegible]

of time.

I am your most obedient and friendly servant.

1453

Antonio José de Irisarri, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

Private BROOKLYN, NEW YORK, *July 31, 1858.*

MY DEAR SIR: General Jerez arrived three days ago, but I have not yet seen him. I wrote to him, yesterday, at the quarantine station, stating to him that it was highly important that I should see him forthwith, but he has returned no answer to my letter. I do not know whether he has gone to stay. This does not much seem to me to tally with what General Martinez has written to me as to the charge laid on the new Minister to act in coöperation with me. I have been told that Martinez has changed his opinion and that he has sent Jerez with instructions to act independently and I think that the fact must be so from what I can gather of the conduct of this new envoy.

With all respect and consideration [etc.].

1454

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Rosalio Cortez, Minister of Foreign Affairs of Nicaragua [2]

A MANAGUA, NICARAGUA, *August 11, 1858.*

SIR: Assuming it for granted that the enclosed publication, taken from the New York Semi Weekly Times of the 18 of June last, is a true Copy of an authentic and genuine Contract entered into between Nicaragua and Mr. Felix Belly, it becomes my duty to state that no arrangements, concealed or open, which Nicaragua has made or may make with that gentleman, can be allowed, in the slightest degree, to interfere with any of the just rights which American citizens have acquired in this country, and that the liberal policy which is embodied in the Treaty of November last, with respect to the Transit route across the Istmus will be perseveringly maintained—The interests of Nicaragua, as well as those of all commercial nations un-

[1] Notes from Central America, vol. 3. Received August 2.

right ought to be done in the matter, my government will not fail to do it.

Appended to said Contract is a document signed by President Mora of Costa Rica, and President Martinez of Nicaragua, appealing to some of the European Powers for protection against the United States of America. I regret exceedingly that these two Supreme Chiefs as they style themselves should have deemed it necessary to cast upon my Governement and its Agents in this country, the gratuitous aspersions which I find in said document. The mode and measure of rebuke for the insult, rests with my Government and not with me.

I have the honor [etc.].

1455

Rosalio Cortez, Minister of Foreign Affairs of Nicaragua, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica[1]

[TRANSLATION]

B MANAGUA, NICARAGUA, *August 12, 1858.*

MR. MINISTER: His Excellency the President of the Republic being put in possession of the views expressed in the polite communication of your Excellency, dated the 11th of the current month, has directed me to reply to it in the following terms.

The pole-star of the policy of Nicaragua, as well abroad as at home, is justice; and therefore my Government solicits it for every one, desires it for itself, and wishes it for the communities whose destinies are committed to it. With such antecedents, it does not seek to despoil any body of the enjoyment of his rights, but, on the contrary, it is determined to maintain inviolable those appertaining to the Republic, with all the dignity and all the resources which are at its disposal, although in such a glorious defence it may have to succumb. From what is said, your Excellency may infer that my Government has had no disposition, and has none at present, to defraud the citizens of North America of the rights which they are seeking, Nicaragua being at peace with that Republic, and the Government wishes to render clear the good relations which ought to bind them to each other, and therefore I think proper to state to your Excellency that the contracts entered into respecting the transit across this Isthmus are, in the opinion of the Government, of no value and incapable of duration (*insubsistientes*); that of Stebbins because the transit was not opened within the stipulated term, it having to be noted that this same company, being unable to fulfil its engagement, has raised certain questions which have determined my Government to commission General Dr. Don Máximo Jerez to proceed to North America and terminate

[1] Despatches, Nicaragua & Costa Rica (Central America), [illegible]

them by availing himself of the justice which aids Nicaragua; that entered into with Mr. Webster in the name of Mr. Vanderbilt, on account of the latter not having accepted it; and that of Mr. Felix Belly, because scarcely was the business initiated in Rivas with his Excellency the President, at the time when he deposited the Executive Authority with his Excellency the Deputy Don Augustin Avilez, on acount of having to go and receive the President of Costa Rica, his Excellency Don J. Rafael Mora, as your Excellency is not unaware.

On this occasion, I do myself the honor [etc.].

1456

Memorandum for the private use of the Hon. Lewis Cass, Secretary of State of the United States—presented by Máximo Jerez, Special Representative appointed by Nicaragua [1]

[TRANSLATION]

WASHINGTON, *August 16, 1858.*

1st. Nicaragua, as well as her Government, sincerely desires to extend and bind fast the friendly relations which ought ever to exist and to be promoted between that Republic and the Republic of the U. S., which, from the similarity of their institutions, and from the frequent and intimate contact to which they are destined as well by their respective geographical positions as by many other titles, are called to maintain between each other the best understanding and harmony. Nicaragua at different periods has given genuine evidences of these sentiments, and with pleasure has acknowledged the reciprocity with which they have been professed by the United States, who on their part, have given special proofs of them since the time of the Administration of President Polk.

2d The present Govt of the U. S., by remarkable acts of justice and civilization, has entitled itself in a high degree to the esteem and gratitude of the Nicaraguans; and, although the terrible spectacle of the woes inflicted on them by a handful of denaturalized men may have been sufficient to weaken in the minds of some their sympathies for the American nation, the acts and messages of President Buchanan have been most efficacious in removing all erroneous ideas, unfavorable to the generality of this country, whose morality ought to be considered as represented in the sound policy of its Government.

3d Nicaragua has received with satisfaction the news that at the present period the negotiation of a treaty with the United States has been under-

explain here, and which have hitherto retarded its desired completion.

4th In the condition in which this one is at present, it has been believed by the Govt of that Republic to be more to the purpose to send a special mission, in order that through the medium of frank and circumstantial explanations, we may succeed in arriving without further delay at the happy conclusion of a treaty which from its nature is to have a remarkable influence on the future.

5th He to whom this special mission is intrusted has not hesitated to accept it with so much the more pleasure as its aims are in consonance with his individual and long-conceived sentiments and convictions; and, desirous of losing no time in the discharge of his trust, he has stated to the Hon. Lewis Cass what has seemed to him to be appropriate at the private interview with which he has been pleased to favor him to-day. He now fulfils the duty of paying deference to the intimation which he received at that interview, by sketching substantially those aims in a *private memorandum*, enclosing to him, as is now done, a copy of the treaty with the modifications made by the Constituent Assembly of Nicaragua in its decree of the 28th of June of the present year,[1] and another of the full powers with which the writer of the memorandum is invested.

[1] Below is a translation of the text of this enclosure. For the differences between the text of the treaty (which was never completed), said to have been inserted in its entirety in the decree, and the treaty of June 21, 1867, which came into force, and is printed in Malloy, *Treaties, Conventions, etc. between the United States and Other Powers*, see note 2, p. 629, above, this part:

[TRANSLATION]

The General, President of the Republic of Nicaragua.

On the 16th of November of last year, at the city of Washington, a treaty of amity, commerce and navigation having been concluded, through duly authorized plenipotentiaries, between the United States of America and the Republic of Nicaragua; and said treaty having been amended and ratified by the Constituent Assembly, the tenor of which, thus amended and ratified, is as follows:

The Constituent Assembly of the Republic of Nicaragua, in the exercise of the legislative powers, with which it is invested,

DECREES:

Art: 1st The treaty, concluded at Washington, on the 16th of November, in the year 1857, between this Republic and that of the United States of America, through Plenipotentiaries appointed to that effect, is ratified with the amendments, contained in the present law; which treaty is composed of twenty two articles, and is of the tenor following:

[Here is the whole treaty]

Art: 2d Article 15th of the treaty, hereinbefore inserted, shall read in these terms: *The United States* agree to extend their protection to all the ways of communication, which have just been mentioned and to garanty their neutrality. They also agree to use their influence with other nations, in order to induce them to garanty a like neutrality and protection;

Footnote 1, p. 702—*Continued*

And the Republic of Nicaragua binds itself to the establishment of *a Free Port, at each extremity of one only of the communication ways, between the Atlantic and Pacific Oceans.* In these ports, there shall not be imposed or levied *any tonnage or port dues, other than those, that may be agreed upon by the two governments.* The United States, *in previous notice of [to?] the government of Nicaragua,* shall be at liberty to convey troops and munitions of war, in their vessels, or in any other manner, *to the free ports herein before mentioned, to transport them over the interoceanic communication way, provided they be destined for a point in the territory of the United States; but not,* (so to transport them?) *if they shall be destined for nations friendly to the Republic of Nicaragua, or for the Hispano-American Republics. And the government of Nicaragua shall exact no charges, or passage dues* (tolls) *whatsoever, for the transportation of said troops and munitions of war.* No other, or higher, imposts shall be laid, on the conveyance, or transit, of the persons and of the property of citizens, or subjects, of the United States, or of any other country whatever, across said ways of communication, than those that have been, or that may be, laid on the persons and the property of citizens of Nicaragua. And the Republic of Nicaragua recognizes the right of the Postmaster General of the United States to enter into contracts with all individuals, or companies, whatsoever for the transportation of the mails of the United States over said communication ways, or through any other routes whatever across the Isthmus, at his discretion and in closed bags, the contents of which shall not be intended for distribution within Said Republic, free from the imposition of all taxes, or duties, on the part of the government of Nicaragua; but this freedom shall not be construed so as to allow said individuals or companies to transport passengers, or freight, by virtue of the right of transporting the mails.

Art: 3d Article 16 shall read in the manner following: The Republic of Nicaragua agrees that, should it, at any time, prove necessary to use a military force for the safety and protection of persons and property passing over any of the roads mentioned, it shall employ the necessary force for such an object; but should it fail to do so, from any cause whatsoever, *the Government of the United States may employ its own, for the same purpose, when the government of Nicaragua, or its Minister in the United States, may have recognized the necessity of employing this foreign force, and this at the request of the government of Nicaragua; it being well understood that such force shall come for that object exclusively and that it shall be withdrawn so soon as, in the judgment of the government of Nicaragua, it will have ceased to be necessary.*

Art: 4th Additional. The government of the United States shall prevent the preparation, within said States, of expeditions and armaments against Nicaragua, even under the pretext of assisting any of the parties that may exist in that country.

Art: 5th The treaty, herein inserted, with the amendments which precede, shall become a law of the Republic, so soon as the exchange of ratifications will have, respectively, taken place.

Given at Managua, on the 28th day of the month of June, in the year 1858.

ANTONIO FALLA. DEPY-PRESIDENT.
J. M. CARDENAS. DEPY SECY
ISIDORO LOPEZ. DEPY SECY

Therefore, having seen and examined the present treaty, with the antecedent approbation of Constituent Assembly; I have, in virtue of the power conferred on me by Constitution, accepted, ratified and confirmed it, and by the present, I do accept, ratify and confirm, promising faithfully to observe and have observed all therein contained, and not to allow it to be contravened in any manner whatsoever.

In faith whereof, I have caused the present to be issued, signed with my hand, sealed with the great Seal of the Republic, and countersigned by the Minister of State, in the Department of Foreign Relations, at the city of Santiago de Managua, on the 29th day of June 1858. F. Tomas Martinez-The Minister of the Interior, charged with the Foreign Relations.

ROSALIO CORTEZ.

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Rosalio Cortez, Minister of Foreign Affairs of Nicaragua [1]

C MANAGUA, NICARAGUA, *August 24, 1858.*

SIR: I am instructed by my Government to enquire catagorically whether the Manifesto or appeal to European powers for protection against the United States dated at Rivas on the 1st May last and signed by Thomas Martinez and Rafael Mora the Supreme Cheifs of the Republics of Nicaragua and Costa-Rica and of which I enclosed you a copy in my note of the 11th instant,[2] is a genuine document or not?— A prompt reply is desirable as I have but little time in which to prepare my dispaches [*sic*] to my Government.

I am most Respectfully [etc.].

1458

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Rosalio Cortez, Minister of Foreign Affairs of Nicaragua [3]

D MANAGUA, NICARAGUA, *August 25, 1858.*

SIR: Early yesterday morning I addressed Your Excellency a note [4] containing a question which required no other answer than that of *Yes*—or—*No*. Although a prompt reply was requested, I have not as yet received any. As I am about to depart for Costa Rica, I must respectfully call Your attention again to the enquiry contained in said note.— Is the document therein referred to, a genuine one or not?— I am required to put the question catagorically and a catagorical answer is expected.

Your Excellency's most obdt Srvnt.

1459

Rosalio Cortez, Minister of Foreign Affairs of Nicaragua, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [5]

[TRANSLATION]

E MANAGUA, NICARAGUA, *August 25, 1858.*

SIR: The copy which your Excellency enclosed to me, in your note of the 11th instant,[6] is one of a draught of declaration, subscribed by General Don

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3, enclosed with Lamar to the Secretary of State, No. 23, doc. 1461.

[2] Above, this part, doc. 1454.

For the text of the manifesto, see above, p. 692, note 2, this part.

[3] Despatches, Nicaragua & Costa Rica (Central America), vol. 3, enclosed with Lamar to the Secretary of State, No. 23, doc. 1461. Above, this part,

Tomas Martinez at the time that he deposited the Executive Authority in order to go to the Department of Rivas for the purpose of receiving his Excellency Señor Don Juan Rafael Mora, who came from Costa Rica to this Republic to procure the termination of questions of boundary pending between the two countries; his separation from the supreme command having been made known to your Excellency in my official note of the 17th of April last,[1] and of which I annex an authenticated copy.

That document, then, is the publication of the thought of a Nicaraguan citizen, whose thought was written and signed in the terms that it might officially be done, in case that, agreeing with the interests of the nation, it should be approved by the Legislative Authority of Nicaragua and be authorized by the Executive. Consequently it is not an act of my Government, nor is it a public or official document, but merely a private one which reveals the wish of a citizen to free his country from the devastation of fillibusterism, which has laid waste the fields, burnt the towns, destroyed the property, and decimated the inhabitants of this soil hospitable and friendly to the great Republic of North America.

In these terms, I have received orders from my Government to reply to your Excellency's polite official note, dated yesterday;[2] and, in carrying them into effect, I do myself the honor [etc.].

1460

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Rosalio Cortez, Minister of Foreign Affairs of Nicaragua [3]

G MANAGUA, NICARAGUA, *August 26, 1858.*

SIR: In order that the views and intentions of the United States respecting their relations with Nicaragua should be fully made known to this Government, I am instructed to remit to Your Department, a copy of a Dispach (Nº 7:) addressed to this Legation by my Governement and dated Washington July 25, 1858.[4]

In compliance with such instructions I enclose herewith the document alluded to. You will perceive by its perusal, that I am directed to demand from this Governement prompt and ample reparation for the injuries and wrongs done to American Citizen's.— Amongst the number the attention of this Governement will be called to the atrocious robbery and murder comitted on Mr. Lawless of Granada and others, who suffered similarly at the same time. Payment of unsettled dues, will be required also, as well as

persecution and proscription of certain individuals still residing in the country.—

I feel that I have exposed myself to the rebuke of my country, for having so long delayed the execution of this duty; but I have been induced to this delay in hopes that the ratification and exchange of the treaty of the 16th November last would have paved the way to a mild and peaceable adjustment of all pending difficulties between the two nations; and even now in taking this preliminary step, I do it with the earnest hope that the Governement will avail itself of this timely notice to make the necessary arrangements to meet the demands as soon as presented.—

My mission to Costa Ricca calls me temporally to the City of San Jose, where this Governement may direct its communications intended for this Legation.

I expect to leave the City of Managua to morrow morning.

I have the honor [etc.].

1461

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 23 MANAGUA, NICARAGUA, *August 26, 1858.*

SIR: Soon after my return to Managua from Leon I enclosed to the Minister of Foreign Relations a printed copy of the Belly contract; and the Manifesto attached to the same; and enquired whether said documents were genuine or not. See my letter Marked A—and dated 11th instant.[2]

The Minister replied by a note Marked B. dated 12th inst.[3] in which he virtually admits the Genuiness of the Belly contract, but denies its validity for reasons therein assigned. With respect to the appended Manifesto, calling on European powers for protection, he made no allusion to it in said note.

Thus matters remained until the reception of Your Despatch Nº 7 dated July 25th last,[4] in which I was instructed to enquire catagorically whether said manifesto was a genuine document or not. Accordingly I directed to the Minister, letter C dated 24th instant; and not receiving a reply as soon as I expected, I directed another, Marked D, on the next day,[5] renewing the interrogatory and requesting an immediate reply. The reply was furnished on the same day and is Marked E.—[6] In this reply the Minister admits that

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3. Received October 29.
[2] Above, this part, doc. 1454.
[3] Above, this part, doc. 1455.
[4] Above, this volume, pt. 1, doc. 1100.

official capacity as President. Upon this I immediately directed to him my note of the 25th marked F;[1] and on the next day delivered to his Department a Copy of Your Dispach Nº 7. accompanied with a letter Marked G.—[2] This terminates for the present the correspondence on the Subject.

I have the honor [etc.].

1462

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [3]

No. 24 MANAGUA, NICARAGUA, *August 26, 1858.*

SIR: The Minister of Foreign Relations, having acknowledged in his note of the 25th inst.[4] accompanying Despatch No. 23,[5] that the Manifesto appended to the Belly Contract, and appealing to European Powers for protection was signed by General Don Tomas Martinez,—who styles himself in said document, Supreme Chief of Nicaragua, I have according to instruction, delivered to said Minister, a copy of Despatch No. 7—dated Washington 25 July 1858.[6]

I must remark, however, that in doing this, I assumed the responsibility of ommitting about a dozen lines at the end of one of the paragraphs;—a liberty which I would not have taken except under a strong conviction, that the lines ommitted would be misconstrued by this Government, and made a pretext for renewing its clamors about the absorbing power of the Anglo-American race—the great, everlasting theme of our enemies, and chief source from which they derive their influence in this country. It is useless to speak with frankness to this people. They will not hear nor heed the truth. Every friendly admonition—every warning against impending danger—the slightest allusion to any disagreeable consequences which every body can foresee except themselves—they construe into a menace—a threat;—and only makes them more distrustful, and obstinately wrong. I am confident that they will thus interpret the lines alluded to, and endeavor to build upon them a sophistical argument in palliation of their conduct. This is what I desire to prevent. I may be over-cautious in the matter. Nevertheless, as prudent as the omission seems to me, I would not have ventured to make it, if it had, in the slightest degree, impaired the force or clearness of the general argument. I consider the paragraph complete and

[1] Not included in this publication. This brief note merely states that the reply, given by the Foreign Minister, of this date, stating that the manifesto was signed by Martinez, was all that he "desired to ascertain."

[2] See above, this part, doc. 1460.

[3] Despatches, Nicaragua & Costa Rica (Central America), vol. 3. Received October 29.

authorities, the spirit of adventure, originally called into action by Nicaragua itself and fostered by subsequent occurrences, would send to that country without delay bands of enterprizing men, who would soon obtain control of its affairs and change the whole course of its policy,—probably of its destiny."

I leave early tomorrow morning for Costa Rica; and shall proceed, as soon as I am recognized by the Government, to urge a speedy settlement of the claims of our citizens against said Republic.

Very respectfully [etc.].

1463

Antonio José de Irisarri, Salvadoran Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

BROOKLYN, NEW YORK, *August 31, 1858.*

The Undersigned, Minister plenipotentiary of the Republic of Salvador, has the honor of addressing the present communication to the Secretary of State of the United States, informing him that a consular commission, in behalf of Mr C. C. New Kerck, at the residence of port Union, has been presented to the government of Salvador; and that that government has found itself under the necessity of witholding the *exequatur* from his commission, as consul of the United States, because it is a matter of public notoriety that said New Kerck was in Nicaragua, serving with Walker, the adventurer, up to the latest moment, when he was compelled to void [*sic*] the country, by virtue of the capitulation at Rivas.

The government of Salvador thinks that the government of the United States cannot be aware of Mr New Kerck's participation in the guilty enterprise of Walker and in order that it may be fully impressed with the facts of the case, the government of Salvador has transmitted to the Undersigned the documents which accompany this note, so that the government of the United States may possess itself of the controlling reason, for which the *exequatur* has been denied to Mr New Kerck's commission, as consul of the United States at the port of Union, and have the kindness to revoke that appointment and to renew it in the person of any one, who may be acceptable to the government of Salvador, which is anxious, upon all occasions, to evince, towards the government of the United States, a desire to be agreeable to it.

The Undersigned improves this occasion [etc.].

[1] Notes from Central America, vol. 3. Received September 2.

Juan R. Mora, President of Costa Rica, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

No. 5 SAN JOSÉ, COSTA RICA, *September 16, 1858.*

DISTINGUISHED SIR: Governments, like individuals, are liable to err in their deliberations; and when this does happen, a sense of justice and truth demands a due reparation, which, on the other hand, is entirely in keeping with the honor itself of nations and of their governments. In pursuance of this principle and, after the satisfactory statement of Your Excellency, which gives expression to the views and friendly sentiments of your Government in regard of Central America, I have the satisfaction of stating that the sentiments uttered, and the policy pointed out, in the declaration of the 1st of May last,[2] made at Rivas, in Nicaragua, in reference to the worthy President of the United States and to his respectable Minister to the governments of Nicaragua and of Costa Rica, have ceased to exist, on the part of this government, nor can they now exist, among the people of Costa Rica. That document was drafted under the influence of suspicions, which derived their origin from mistaken notions, from which cause, the parties, under such circumstances, had it not in their power to lay down a sound judgment, which is neither singular nor without example in history. Being now convinced of the groundlessness of those sentiments, I hold myself to be put under the duty of freely and spontaneously renouncing them and of expressing the full confidence, which I entertain in the good faith and upright intentions of the President of the United States; and I do this with so much the more satisfaction, in as much as you assure us that your Government is friendly to the nationality and independence of Central America. Under the auspices of its generous friendship and goodwill, Costa Rica considers herself to be safe. I improve this occasion [etc.].

1465

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Juan R. Mora, President of Costa Rica [3]

No. 6 SAN JOSÉ, COSTA RICA, *September 16, 1858.*

SIR: Your Excellency's note of this date,[4] repudiating, on the part of Costa Rica, the sentiments contained in the "Declaratoria" executed on the first

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3, enclosure No. 5 with Lamar to the Secretary of State, No. 25, below, this part, doc. 1470.

[2] Above, this part, note 2, p. 692.

[3] Despatches, Nicaragua & Costa Rica (Central America), vol. 3, enclosure No. 6 with

to the honor of its author; but one which cannot fail to produce the most happy and desirable results to this country. The prompt, ample and spontaneous justice which it renders to the President of the United States will be duly appreciated by His Excellency; and without doubt will deepen the solicitude of my government for the prosperity and happiness of this country. Those who have sought to disturb the friendly relations between the Republics of Central America and the United States have been actuated more by hatred of my country and its free institutions than by any regard for the fate of welfare of those States. There is not, nor can be any confliction of interests between our nations. Geographical position, similarity of institutions and a common devotion to liberty and independence, make them natural friends; and it must be gratifying to the heart of every patriot to know that the disconfidence and alienation which seemed to be springing up between the two nations have been so timely extinguished by Your Excellency's magnanimity, and due consideration of your country's welfare. Your Excellency's letter, is oblivion of the past; and a guarantee of frankness, friendship and cordiality for the future.— It is hardly necessary for me to reiterate my personal desires for the good of this country; and I know no mode of contributing to this end more effectually than by cooperating with Your Excellency in reestablishing a good understanding and maintaining amicable relations between the two countries.—

I have the honor [etc.].

1466

Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras, to Lewis Cass, Secretary of State of the United States [2]

[EXTRACT]

GUATEMALA CITY, *September 20, 1858.*

SIR: . . . That, much ill feeling, was evidently engendered by Gen[1] Walker's invasion, both toward our Gov., and people, there can be no question; And a sample letter calculated to awaken contempt for our Countrymen, could not be more amply furnished, than was, and is found in the remnant of his invading forces, now seen wandering, in comparative destitution, in the Departments, Towns, & Vilages of Honduras & Guatemala. With many in Guatemala, palpable traces of dislike, and apprehension, still exist; yet I am satisfied, that the arrest of Gen[1] Walker, and the Message of

[1] Above, this part, note 2, p. 692.

[2] Despatches, Guatemala, vol. 3. Received October 29.

The omitted portions at the beginning and end of this despatch referred to Clarke's pres-

have done much, to efface those unfavorable impressions.

I have been assured, by a gentleman in authority, and favour, with this Gov., that prior, to that invasion, Guatemala, had been accustomed, to look to the Gov^t of the U. States, as her last hope, and final refuge, in the hour of struggle, and danger. On my part I beg to assure you, that all efforts, consistent with duty, shall be employed, to eradicate unkind remembrances. . . .

With Respect [etc.].

1467

Antonio José de Irisarri, Guatemalan, Salvadoran, and Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

BROOKLYN, NEW YORK, *September 21, 1858.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republics of Guatemala, Salvador and Nicaragua has the honor of transmitting, with this note addressed to His Excellency, the Secretary of State of the United States of America, a statement, published in the New York Herald of this day, that William Walker, the leader of the free booters has left New York for Aspinwall, with the intention, it is said, of invading Nicaragua and landing his expedition at a small port some fifteen miles south of Realejo.

It is proved to the Undersigned that said Walker was in New York, engaged in the organisation of his expedition and that it is backed by the Alabama Company, its main body being intended to be forwarded from the port of Mobile or from some other port in that State. The Undersigned believes it most probable that the chief of this criminal expedition intends to make his first landing at the small port mentioned, for he would apprehend that he would not be allowed to operate the movement, at San Juan del Norte, at San Juan del Sur, or at Realejo, by the armed vessels of the United States and of England, which are, or which may be, stationed at those points.

The Undersigned expects, from the good will and the sentiments of cordial friendship, which the government of the United States entertains for the Central American States, with which it fosters the closest relations, that it will be pleased to enjoin such, efficacious, measures as may prevent the landing of the contemplated expedition, to which effect it might be expedient to assign to a vessel of war the duty of watching the threatened port, in the vicinity of Realejo.

This measure will be advantageous not only to the maintenance of the

of the month of October next, in pursuance of the arrangements made by the Atlantic and Pacific Ship Canal Company; and so evident and so great is the detriment, which such an obstacle would create against the interest of American citizens, that the Undersigned deems it unnecessary to press its consideration upon the Secretary of State, who, better than any one else, is aware of its import.

Besides this, the Undersigned, who has invariably received most luculent proofs of the uprightness of the present administration of the United States of America, does not doubt that the same administration will decide on the most efficient means of shielding Central America from the evils, which would bear upon it in consequence of a renewed *filibustering* invasion, organized in the United States.

The Undersigned improves this occasion [etc.].

1468

Tomás Martínez, President of Nicaragua, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [1]

MANAGUA, NICARAGUA, *September 25, 1858.*

MY DEAR SIR: From my private correspondence with Don Juan Rafaël Mora, President of the Republic of Costa Rica, and from the conviction of that gentleman of the error into which we have fallen in the declaration of the 1st of May ultimo,[2] in regard of the worthy President of the United States and of his respectable Minister to the governments of Nicaragua and Costa Rica, I am authorized to declare frankly to Your Excellency that that act, although not an official one, was drawn up under the influence of weighty, although ill-grounded, suspicions.

Being now convinced of the truth, I deem it to be the duty of Justice freely and spontaneously to disavow those sentiments and to express the full confidence which I have of the good faith and right intentions of the President of the United States, under the gratification with which you have inspired us by the assurances that your government is a friend of the Nationality and Independence of Central America.

I avail myself of the occasion [etc.].

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3, enclosed with Lamar to the Secretary of State, No. 31, October 28, 1858, below, this part, doc. 1473.

[2] For the text of this declaration, see above, p. 692, note 2.

Antonio José de Irisarri, Guatemalan, Salvadoran, and Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

Private and confidential BROOKLYN, NEW YORK, *September 29, 1858.*

MY VERY DEAR SIR: Through the arrival of the "Moses Taylor", I have received the official papers of Guatemala and Salvador, which I inclose to you, in order that you may see what is the opinion of those two governments as to the conduct pursued by that of Nicaragua in relation to the treaty between the United States and that Republic. Having but one copy of each of those papers, I beg that you will have the kindness to return them to me after perusal.[2] From Nicaragua, I have been furnished with a copy of the answer, made to Mr Lamar, by the Minister of Relations of that country, in regard to the declaration[3] of Presidents Mora and Martinez, which appeared at the bottom of the contract, entered into with Mr Belly. The explanation, made in that answer, does not seem to me to be very felicitous and I would be glad to learn what you think of the document.

I remain, with highest consideration, [etc.].

[1] Notes from Central America, vol. 3. Received September 30.

[2] The following are the texts of translated excerpts from these papers, filed with the original of this note:

The Envoy Extraordinary and Minister Plenipotentiary of the Republic, in the United States, writes to the Department of Foreign Relations, in a note of the 5th of July last, that:—as a false rumor was put in circulation both in that country and in Nicaragua—a rumor, false as it regards Guatemala and Salvador—to the effect that all the Central-American governments had opposed the ratification of the treaty, concluded by Mr Yrisarri, on the 16th of November 1857, with General Lewis Cass; and as the declaration, made by the Presidents of Costa Rica and of Nicaragua on the 1st of May 1857, had reached the United States, together with the information that an alliance, offensive and defensive, was about to be contracted by all the Central-American States; Mr Yrisarri deemed it expedient to state to the Secretary of State of the United States that it is false that the government of Guatemala opposed the ratification of the Treaty; that, on the contrary, its desire to see it ratified was clearly expressed and, lastly, that the administration of Guatemala is convinced of the fairness and friendly dispositions of the government of the United States in respect to the maintenance of the peace, security and welfare of Central America.

The Minister of Foreign Relations has approved this statement, in all its particulars, as made by Mr Yrisarri to His Excellency, the Secretary of State of the United States.

The declaration, to which Mr Yrisarri refers is that which was made by Presidents Mora and Martinez, and which appears annexed to the agreement entered into with Messrs Belly and Milland for the opening of a maritime canal. It was published by various foreign papers and copied in the "Gaceta" of Salvador, in its number of the 28th of July last.

From the *Buletín Oficial* of Salvador: July 9, 1858.

The Government of Salvador had foreseen this new conflict (a supposed invasion by Walker) from the moment that it learned that the government of Nicaragua had deemed it proper to refuse giving action to the Legislative decree, which ratified the treaty, known as the Cass-Yrisarri treaty, which garantied Nicaragua from every filibustering ex-

[EXTRACT]

No. 25 SAN JOSÉ, COSTA RICA, *September 29, 1858.*

SIR: . . . My arrival and reception have not been accompanied with the demonstrations usual here on such occasions; still there has been no want of proper courtesy on the part of the Government. On the contrary, I have been met—particularly by the President—in a spirit of candor, cordiality and conciliation. His Excellency's open frank and friendly manner, promises a more agreeable and profitable intercourse with this Government than what I had with that of Nicaragua.

On the day following my official presentation, I held a long conversation with the President in relation to the objects of my mission; and especially concerning the relations of our Government with the Central American States; on which occasion I endeavored to explain the friendly views and feelings which the United States had never failed to entertain towards these States, and the sincere desires of my Government that they should unite in a Federative Government which would give them strength dignity and peace, and would enable them to assume a proper rank among the cultivated nations of the world and become equally participants in all the great improvements and progresses of the age. He listened with attention and responded by expressing a full reciprocation of the good disposition of our Government, and an equal desire on his part to maintain the most amicable relations with the United States. He expressed, however, an opinion that it was not possible, at this time, to establish in Central America a Federal System of Government like that of the United States; but that a Federation of some kind would be adopted, which would secure the great ends of peace, and form the basis of a common, national policy, and a general co-operation among them.

The next day I received a letter from the President in reference to the "Rivas Manifesto" (of which I transmit a copy No. 5) [2] disclaiming the principles and policy of that document, as having originated in mistaken conceptions, and apologizing, in an honorable manner for the unmerited offence therein offered to the Government and people of the United States. It appeared to me that this reparation was prompted by correct motives, and tendered in a spirit of frankness and conciliation; and moreover, that it was the paving of the way to a good understanding and a just conception of the

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 3. Received October 29. The omitted portion is not pertinent to this publication.

[2] Above, this part, September 16, 1858, doc. 1464. The Rivas Manifesto, to which it relates, is in note 2, p. 692, above, this part.

spontaneously given, to enter at once upon a frank and friendly adjustment of past differences, and a pledge of a corresponding course of proceedure for the future.

Under these conceptions, I have thought proper, not to deliver to this government that portion of Despatch No. 7,[1] which relates to the Rivas Manifesto. I deemed it unnecessary, after such a voluntary renunciation of that Document, as well as for the reason that a better state of feeling, is prevailing at this time, than existed when that Despatch was prepared. I trust that my course in this matter will be satisfactory to the Department. I think the true policy now is to encourage the favorable change which the public mind seems to be undergoing, and to meet all overtures of conciliation in a liberal spirit. My answer to His Excellency's letter is enclosed, and marked No. 6.[2]

I have since, had several conferences with President Mora. I find him unrestrained in communicating with me—well informed—and well disposed to adopt whatever line of policy may appear to him best calculated to promote the welfare of his country. He is in a position that will enable him to do great good for this, and all the Central American States; for his influence with them is almost paramount; and I consider that their destiny for good or ill depends in a great measure upon the course which he shall take in the present crisis of their affairs. He and the President of Guatemala are on confidential terms; and whatever policy they may decide upon will be followed by the other States. The present assurances of His Excellency, inspire the hope of good results.

My last interview with the President occurred a day or two since, at his residence; and the following is a summary of what transpired. I remarked that I was about writing to my Government, and previous to doing so, desired to hold a conversation with him upon the prospects of being able to reestablish harmonious relations between our Governments, and a satisfactory understanding with regard to future policy. He manifested his wish to confer with me upon these subjects of paramount importance; and his desire to cooperate with me to the end of restoring confidence and good feeling, not only between Costa Rica and the United States; but also between the latter and all the Central American States;—He stated that he had no doubt, in view of the representations which I had made him, and the confidence which they must inspire—as well as that which was reposed in me and in my intentions, that all questions would be satisfactorily arranged; and a policy adopted which would prove acceptable and advantageous to all parties;—that he had already written to President Martinez recommending

[1] Doubtless the instruction of July 25, 1858, above, this volume, pt. 1, doc. 1100, the

into the arrangements initiated by him (Mora). He referred to the Rivas document, and stated his conviction, that if he had seen and conferred with me previous to that affair, no such document would have been issued;—that, at that time and previously, the fears of being overrun by the fillibusters, were so great, that Costa-Rica would have thrown herself as a colony, into the arms of any power that would protect her; —to which I replied that I could, in a great measure, have dispelled those fears, so far as Nicaragua was concerned, if that Government had listened to my assurances. He referred to the proposed convention of the Presidents of the Central American States, and thought that my presence at their deliberations, associated with him, would produce beneficial results; and proposed, in the event of this convention taking place, that I should accompany him;—that he would be glad to co-operate with me at that time in effecting a satisfactory adjustment of our relations with all these States; and if, as was hoped, this convention should bring about a union of the States, that a general treaty might then be negociated; and finally expressed his desire for a frank and open understanding upon all matters.

Two circumstances have impressed me with a very favorable opinion with regard to President Mora and his intentions—first, his prompt repudiation of the principles of the Rivas Manifesto when fully convinced that it had been based upon mistaken grounds; and second, his proposal that I should be present at this convention of the Presidents, which was unnecessary, unless he wished the views of my Government to be represented there. The convention alluded to, is expected to meet in January, and I enclose a copy of the official paper containing a Government Decree [1] setting forth the measures proposed to be adopted on that occasion.

I have the honor [etc.].

1471

General Máximo Jerez, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [2]

WASHINGTON, *October 4, 1858.*

EXCELLENT SIR: The Undersigned has the honor of addressing you, with the information that the Government of Nicaragua has appointed him its Minister Plenipotentiary and Envoy Extraordinary to the Government of the United States, with the Special charge to carry on the treaty-negotiations, now pending between the two countries.

[1] Not included in this publication.

[2] Notes from Central America, vol. 3. Receipt date is not indicated on the file copy of the original or of the translation; it was probably clipped off, in preparing the former for

The reason, which has moved the government of the Republic to send this Legation to the United States is founded in a desire to take the most efficient steps to bring this important negotiation to a speedy and happy end and at the same time to evince the right sentiments, which Nicaragua entertains for this Administration, which, on its part, has addressed itself to the adoption of measures calculated to confirm the friendly relations, which ought to be cultivated by the two Governments.

The Undersigned having accepted this charge, with a satisfaction, consonant with his personal convictions, has seen, not without much regret, an obstacle growing out of a document known by the name of the "Belly-Manifesto"—a document signed by the Presidents of Nicaragua and Costa Rica;[1] and this, because that document contains various suppositions, offensive to the United States and to its Government.

The Administration of Nicaragua has already disavowed this document, since, through a communication of the Secretary of Foreign Relations, understood by me as not having yet been received at the Dept. of State, dated Aug: 25th ultimo [2] and addressed to the representative of the United States in that country it has given assurance that it is the scheme of private individuals and is not its act and that it bears neither a public nor an official character. But it is the duty of the Undersigned also, in pursuance of his instructions, to state, that the government of Nicaragua regrets the appearance of such a document, that it disavows the same and especially does it disavow all belief in the allegations which it contains against the honor and the conduct of the U. S. but, on the contrary, that it entertains a sincere gratitude for the administration of this country, for the energy and the rectitude, with which it has expressed itself, in behalf of the rights of Nicaragua, and with which it has counteracted the piratical attempts of the enemies of that Republic.

The uttering of this declaration is gratifying to the Undersigned; for, having not the least reference to the power of this nation, it simply flows from a sentiment of strict justice.

The Undersigned being desirous to make a beginning in the discharge of his duties so soon as possible, has the honor of enclosing to Your Excellency, a copy of the Autograph letter, which accredits his mission;[3] and at the same time he begs that you may be pleased to obtain orders from His Excellency, the President of the United States, in reference to his official reception.

Be pleased, Sir, to accept [etc.].

[1] See note 2, p. 692, above, this part. [2] Above, this part, doc. 1459.
[3] Not within the scope of this publication.

BROOKLYN, NEW YORK, *October 20, 1858.*

EXCELLENT SIR: Having seen in the public papers of New York various contradictory statements in relation to the conclusion to which this government has come in the question of the treaty, concluded on the 16th of Novr of the last year; some of the representations maintaining that this government has informed General Jerez that farther conference in the matter is useless, whilst others say that time has been allowed that General to receive new instructions from Nicaragua; I take the liberty of begging Your Excellency to have the kindness of communicating to me the facts of the case, because I deem it highly expedient to advise the governments of Guatemala and Salvador of the real truth of the matter; and if it be true that you have transmitted a note to Genl Jerez, communicating to him the decision of this government, I beg of Your Excellency to be pleased to enclose me a copy of said note. With the highest consideration I have the honor [etc.].

1473

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [2]

No. 31 SAN JOSÉ, COSTA RICA, *October 28, 1858.*

SIR: I beg leave to enclose a copy of a letter, received last evening, from the President of Nicaragua [3] in relation to the "Rivas Manifesto" of the first of May last.[4] It is of the same purport as that of the President of Costa Rica [5] on the same subject; and I presume was written at the suggestion of the latter. I have not yet replied to it.

I have the honor [etc.].

[1] Notes from Central America, vol. 3. Received October 21.
[2] Despatches, Nicaragua & Costa Rica (Central America), vol. 3. Received November 30, 1859 [*sic*].
[3] Above, this part, September 25, 1858, doc. 1468.
[4] Above, this part, p. 692, note 2.
[5] Above, this part, September 16, 1858, doc. 1464.

General Máximo Jerez, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

NEW YORK, *November 2, 1858.*

MOST EXCELLENT SIR: The undersigned has read with the greatest satisfaction the proclamation which, under date of the 30th of October last,[2] his Excellency the President of the U. S. has been pleased to issue, with reference to existing announcements of a third military expedition which certain individuals are attempting to raise against Nicaragua. In this proclamation, after rendering palpable the falsehood of the pretext by which the authors of this attempt are endeavoring to cover its illegality, his Excellency concludes by urging the civil and military authorities to use zeal and vigilance in order to prevent the accomplishment of that criminal enterprise, and by exhorting all good citizens to co-operate with them to the same intent.

This important document, is a new evidence of the sentiments of justice and of regard for the rights of Nicaragua which have ever animated his Excellency the President of the U. S. The people and Government of that Republic will receive it with pleasure and gratitude; and the undersigned performs a pleasant duty in hastening to offer, in the name of that Government, the most expressive and cordial thanks, to the illustrious Chief Magistrate of this nation, for the efficient care he has taken to prevent a mockery of the laws, the violation of which might become seriously detrimental to the Republic of Nicaragua, and even to the rest of the Republics of Central America.

With manifestations of the highest consideration [etc.].

1475

Antonio José de Irisarri, Guatemalan, Salvadoran, and Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [3]

BROOKLYN, NEW YORK, *November 11, 1858.*

EXCELLENT SIR: I have the honor, in answer to your note of the 8th instant,[4] to state that, in effect, the extract from the internal police regulation of the Republic of Nicaragua, which appeared in the New York city papers, was published by me in consequence of the representation, which I had made

[1] Notes from Central America, vol. 3. Received November 3.
[2] Not within the scope of this publication; its purport is sufficiently indicated.

to Your Excellency, through my note of the 16th of April,[1] which was answered by your Excellency's of the 26th of the same month,[2] in which you write to me: "Nicaragua has the unquestioned right to adopt such precautions as she may deem necessary for her own security or defence. But the President expects that in the exercise of these rights, great care will be taken not to interfere with or infringe the equally sacred rights of American citizens, who may not have committed any violation of the laws of that State."

Now I have the honor of stating to your Excellency that, upon my communication of your said note to the Minister of Foreign Relations of Nicaragua, I was charged, under date of the 27th of June, to frame the regulation of internal police, that might prevent the invasion of the filibusters and as circumstances would not allow a delay of the publication of the measures, which are to be taken to that effect, I hastened to do it now, in order that the men, intended to carry on that invasion, publicly announced for the 10th instant, should stand under warning.

You will have seen that the regulation of internal police, which I have published, contains no provision, aggressive of the rights of American citizens, as is expressed in the expectations of His Excellency, the President of the United States; the regulation merely requires that those, who do not go with the intention of crossing from one sea to the other, and who may desire to remain in the State, shall be the bearers of passports, as are all those, who travel through France, Spain and nearly the whole of the European States; and that they shall not land with arms, which may subserve purposes of war. To that effect I had regard to the laws and to the provisions of the new Constitution of the Republic; and I have the satisfaction to see, in the proclamation of His Excellency, the President of the United States, of the date of the 30th ultimo, that he quotes the notice, which I published on the regulation of internal police of Nicaragua, as an adjunct of measures, which cannot be objectionable.

Had not the circumstances been so urgent, I would have taken the utmost pleasure in consulting with Your Excellency on the seasonableness of the publication in question; but I deemed that the time required it to be made immediately, so soon as I received advice of the preparation of the expedition, not thinking that, in so doing, I could fail in any of the considerations, due, on my part, to this administration, for which I have ever desired to manifest the most profound respect.

General Máximo Jerez, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

NEW YORK, *November 12, 1858.*

EXCELLENT SIR: The undersigned has received your note of the 8th instant [2] and through it he has, with deep regret, been informed that His Excellency, the President of the United States, has seen, with displeasure, a publication of the notice of the 2nd instant, to which Your Exy refers.

The Undersigned was very far from supposing that it could so work as to produce an unfavorable impression. This, to the extent of his power, he desires to dispel; and, to that end, without entering into a discussion, which might perhaps be unseasonable, he holds it to be his duty to advance a few remarks, to point out the soundness of the reasons, which moved him to make said publication.

This publication were to be regretted by the Undersigned, if he thought that he could not have made it, except under cover of diplomatic immunities; but being free from all personal connection with transit matters, what specially moved him to take the step, which he did in the matter in question, was the desire to comply with the mandate, which, in all things concerning said transit matters, was entrusted to him by his government, to which he cannot but acknowledge himself to be responsible, should he, perchance, have gone beyond the line of his instructions.

On the other hand, the undersigned did not consider that the fact of such a publication could give rise to a responsibility of any kind; for, being grounded on trustworthy information, its object was not to inflict injury, but to prevent the evil consequences, which might ensue; both to passengers from the United States and to the inhabitants of Nicaragua, from the violent position, in which said passengers will be placed, if, as the Undersigned, to his sorrow, fears the sequel will prove, they should find themselves on the route of transit, without adequate means to continue their journey without delay or molestation.

Confining himself to this notice, the Undersigned has endeavored to abstain from any act, that was not indispensible in the discharge of the mission, which he has received from his Government, which does not recognize any right in the parties, that pretend that such they have to a monopoly, not only of the transit route, but even of the internal navigation of its waters. The Undersigned has accordingly, and formally, notified said parties, urging them to discuss the matter, with a view of coming to an equitable arrangement. Guided by this spirit of conciliation and notwithstanding the refusal of the said parties to enter into any discussion or arrangement, the Under-

tensions.

The Undersigned regrets that he had not preferred the means, pointed out by Your Excellency, of applying to your Department of State in the case under view, in consideration of the good disposition, which you are pleased to evince in this respect.

When he had reached this city, he gathered new, respectable and recent information as to the bad condition of the route of transit. It did not seem to him proper to trouble your Excellency, in the matter, with a consideration of this kind. The Undersigned was confirmed in this opinion, on recollecting that, on these occasions when he stated his wish to come to a previous understanding with Your Excellency in order to proceed to arrangements, relative to the transit, because he was anxious to rest them on grounds, harmonizing in the best possible manner with the interests of the United States, Your Excellency was pleased to intimate your views to me so far as regarded any purpose of interfering in such matters. For this reason, I could, scarcely even give a succinct and verbal notice to Your Excellency of the agreement, which I was about to sign with a Philadelphia company, and which it has transmitted for the ratification of Nicaragua.

The Undersigned duly appreciates the announcement that you are about to submit his course to the consideration of the Government, by which he has been sent; and whatever may be the judgment passed upon his conduct, his feelings will be gratified if, as he doubts not, this disagreeable incident will not have affected, in any manner, the good relations, which ought always to exist between the United States and Nicaragua.

The Undersigned has the honor [etc.].

1477

Tomás Martínez, President of Nicaragua, to James Buchanan, President of the United States [1]

[TRANSLATION]

LEÓN, NICARAGUA, *December 2, 1858.*

GREAT AND GOOD FRIEND: Señor Don Antonio José de Irisarri, our Envoy Extraordinary and Minister Plenipotentiary in your Republic, stated to us

[1] Notes from Central America, vol. 2. No receipt date appears on either the original Spanish text, or on the translation. It appears to have been clipped off from the former, in preparing it for binding. An endorsement, on it, does state that it was answered on February 7, [doubtless, of 1859].

the impossibility of his getting through with various important affairs of this Government, for which reason we determined to establish a double representation, and consequently we sent our Minister Plenipotentiary General Don Máximo Jerez. At present, recognizing the necessity of imparting to our relations that unity which is demanded by respect for your Excellency's Government and by the interests of the two nations, which are every day called to unite with each other more closely, I have thought fit to accede to the wishes of Señor Irisarri himself by relieving him from the mission which he has filled near the Government of the U. S. to the satisfaction of the Government of this Republic, and to invest with our full powers the said Señor Jerez. With this view, we trust that your Excellency will permit Señor Irisarri to pay his last respects on our part; and that your Excellency will condescend to receive the successor whom we have appointed with the same good will that Señor Irisarri has received; and for which we have been and shall be very grateful.

Given at the national palace of the Government in the city of Leon, on the second day of the month of December, in the year of our Lord one thousand eight hundred and fifty-eight.

Your great and good friend.

1478

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACT]

No. 32 LEÓN, NICARAGUA, *December 3, 1858.*

SIR: . . . I arrived in Leon on the 30 ult. simultaneously with the President, who has temporarily removed the government from Managua to this city. He will probably remain here one month. As yet I have not seen him; nor held any official interviews with the Minister of Foreign Relations. The President and Cabinet, from the moment of their arrival, have been in almost continual secret Session, as it is supposed, upon the proposed modification of the Treaty, and the Vandyke Transit Contract. I think they will not take any decisive step in either matter until the arrival of Sir Wm. Gore Ouseley, who is daily expected; and whose counsels—whatever they may be—will, in all probability be implicitly followed.

In one of those councils—in which others were present beside the Cabinet—some allusion being made to the interposition of England and France in the affairs of our Government with this country, Mr. Perez, Secretary of

difficulties with the United States. Mr. Gotrel, one of the Agents of the Vandyke Company, assures me that he himself heard the British and French Ministers in Washington, express to Gen[l] Jerez the same sentiments as now repeated by Mr. Perez. Whatever course these Powers may have decided to take in relation to American affairs in this country, is doubtless known to our Government; and I now allude to those matters only for the purpose of keeping Your Department apprised of what is going on here; and also for the purpose of manifesting how tenaciously this Government clings to the hopes which Belly had inspired. It still has hopes of receiving—what is termed here—British and French protection; and will not resign them until they shall be dissipated by those powers themselves, or by some decisive and energetic action on the part of our own Government. . . .

I have the honor [etc.].

1479

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

ON BOARD THE *Merrimac*,
HARBOR OF REALEJO,
December 22, 1858.

No. 33

SIR: In my last interview with President Mora—on the eve of my departure from Costa Rica—the "Monroe Doctrine" was made the principle topic of discussion.

The conversation commenced by the President stating that he had received communications from Nicaragua enclosing copies of correspondence with the Central American Governments from which it appeared that there was very little doubt that the contemplated convention of the Presidents of these States would take place in the month of January next in the city of Guatamala; and he observed that the occasion would be a good one for a general discussion of their relations with the United States, and of the policy recently avowed by our Government in the letter of Mr. Cass of the 25th of July last,[2] and that he should use his influence toward the promoting of a perfectly good understanding with our Government.

I expressed my satisfaction at his friendly intentions; and in consideration of these I told him that I would waive the delivery of a letter which I had addressed to him with a view of affording him an opportunity of declaring the policy he may have decided upon with respect to his future relations with the United States; but that I would read the letter, and let it be con-

sidered as a part of our conversation. He agreed with me that it was better not to embarrass himself at the present time by a premature avowal of sentiments and views which he would have to vindicate in the proposed convention. Such a course might alarm the minds of many, and weaken his influence in that body. The letter was accordingly read; from which I make the following extract as containing all that is material in the same.

> As tending directly and in a most effectual manner to promote this end (the establishment of good relations between the two countries) I should be gratified to receive an avowal of Your Excellency's opinion and views with respect to the policy and principles which have been adopted by the United States, and are set forth in the Hon. Secretary of State's letter of the 25th of July last which I had the honor of communicating to this Government.
>
> Your Excellency is perfectly aware of the circumstances and object which called forth the first declaration of these principles by Mr. Monroe in 1823, and the influence it exerted upon the Independence of the Spanish American Republics. But for the timely sympathy of the United States towards these countries and of its determination to protect them against the threatened aggression of the Holy alliance, their destiny might have been very different from what it [is] now. There is a strong probability that they would have been resubjected to the power of Spain. The stand then taken by the United States in favor of Spanish American liberty, was hailed with enthusiasm by every lover of human rights throughout the world. It put an end to European despotism in this portion of the Continent; and confirmed to the inhabitants the right of Self-government. The principles then promulgated have been misrepresented and perverted by artful men—enemies of the United States and its free institutions—but the policy is still the same. The feeling of the United States towards these countries has undergone no change. No spirit of annexation, of absorption or of aggression has been engrafted upon the *Monroe doctrine*. It still pretends to nothing further than that the destinies of these countries shall be left in their own hands. It is simply a doctrine of non-intervention by the Monarchical Powers of Europe in the political affairs of this hemisphere;—a doctrine which the peace and safety of the United States require to be maintained at all hazard.

In the latter portion of foregoing extract I have made a few verbal alterations with a view to clearness and brevity. At the close of the reading, the President remarked that he was perfectly convinced of the wisdom and practicability of the policy therein contained; that it was the true policy of the American Continent, and that he desired to see it universally adopted. So far as he and Costa-Rica were concerned, he said he was ready to make it the policy of this country immediately if I desired it; or if not at present, he

not been represented in them—or at least, not until late years—by Officers authorised to explain the policy and measures of our government, the representatives of European Powers, for many years past, had lost no opportunity of making our policy toward them appear—as he now believed—in a perverted and unfriendly light.

I replied that no acts of the United States toward these countries had ever afforded any ground for their apprehensions; but far to the contrary.

He said it was very true; and he remarked that the United States had always shewn more deference toward them, than any other nation. He cited some examples of harsh measures which had been taken by Great-Britain, and France toward them, while he had never known any instance in which the United States had proceeded in a similar manner. But he said the idea had been disiminated among them that the United States was indifferent to their fate, and that their only hope was to retain, at whatever cost, the friendship of European Powers. Nevertheless,—he continued—he was now satisfied that their true interests looked to harmonious relations and unity of purpose with the United States.— One difficulty, however, suggested itself to his mind, in taking publicly the stand which he was prepared to take. By the step proposed, he would bring down upon himself and the country the odium of European Governments that now made professions of friendship. They would undoubtedly give him many annoyances; and he should expect to receive the sympathy and support of the United States in the event of difficulties. Let the United States assure him that he shall not suffer in consequence of the change, and he was ready to make our policy his policy.

Such is the sum and substance of my last conversation with His Excellency.

There is an open frankness in President Mora's general manners and in his mode of conversation, well calculated to inspire confidence, and to gain him many friends; and it is not impossible that he may have expressed his real sentiments and feelings in the foregoing conversation; but it must be borne in mind, that he is a Spanish American; and my long acquaintance with that race will not allow me to vouch for their sincerity and good-faith in scarcely any case whatever.

A copy of the President's Proclamation of the 30th of October in relation to the Filibusters, and one of the despatch from the State Department expressing the satisfaction of our Government with the spontaneous retraction of the Rivas Manifest by President Mora were duly communicated to the Government of Costa Rica.[1]—

I have the honor [etc.].

[1] See above, this volume, pt. 1, No. 14, November 4, 1858, doc. 1106.

1480

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACT]

No. 38 MANAGUA, NICARAGUA, *January 21, 1859.*

SIR: . . . The letter of Flag Officer McIntosh reporting the affairs at San Juan del Norte [2] I have not answered, believing that he would communicate the same to the Secretary of the Navy and would receive instructions from that department—

I have the honor [etc.].

1481

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [3]

No. 39 MANAGUA, NICARAGUA, *January 29, 1859.*

SIR: I have but a few moments in which to prepare this despatch.

A treaty has been entered into with Sir William Gore Ouseley, the precise nature of which I do not understand. It was concluded in Leon; forwarded to this Government; received on the 18th inst, presented to the House of Representatives on the 20th ratified on the 23d—reconsidered the next day; amended by the House; and will be presented to the Senate tomorrow for final ratification. This is expeditious work. During all this, not one word has been said about the American treaty.

On the 23d inst I held a conversation with Minister Cortez, the substance

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 4. Received February 28. The omitted portions of this despatch deal with matters outside the scope of this publication.

[2] The following is the text of the pertinent portion of the letter here referred to, which came as an enclosure to this despatch:

James McIntosh, Flag Officer, U.S.S. Roanoke, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica

Off San Juan del Norte, Nicaragua, *November 27, 1858.*

SIR: . . . I am here with a portion of my Squadron for the purpose of preventing the landing of "fillibusters"—or other illegal expiditions in Nicaragua, Costa Rica and other Republics of Central America, from the United States, should any attempt be made; and the duty shall be faithfully executed. But it is not a little mortifying to find that, although General Walker and his associates have been twice removed from this country by the officers and vessels of our Country, we are still suspected by certain Nicaraguan officials as aiding his and their return; and, consequently, a strong inclina-

President, and read to him the said conversation. Minister Cortez was present at the time and fully assented to the accuracy of my Statements. The conversation with the President was too long and varied to note down

[1] Below is the text of the attached memorandum of the conversation. A footnote referring to what is mentioned as "the 16 Article" reads "In the Ouseley treaty it is Article 22," for the text of which see note 1, p. 730, below, this part.

Substance of a conversation, held with Minister Cortez on the 23d January 1859

Speaking of the Treaty, just concluded in Leon between Sir William Gore Ouseley and Mr. Pedro Zeledon Minister of Foreign Relations, Minister Cortez stated that said Treaty was nearly the same as that of the Cass-Yrisarri Treaty, differing from it principally in the 16th Article in which the right is conceded to Great Britain of landing troops in the country under certain emergencies, of which that Power is to be the judge in the last resort. I did not distinctly comprehend his idea; and asked him if he would furnish me with a copy of particular Article. He said he would see the President about it.— He expressed himself sattisfied with the Cass-Yrisarri Treaty with its late modifications; and said that whatever Treaty this Government might make with Great Britain, it would make the same with the United States, as its desire was to place both of those nations on the same footing— I asked him what had been done about the Mosquito Territory. He replied that negociations were still pending about it, but thought that it would soon be settled. I told him that in my opinion, this Government should have exacted a full and unequivocal restoration of that territory before having entered into any Treaty with Great Britain. He expressed a similar opinion; and added that he himself was not willing that the Mosquito King should be recognised as a Sovereign, in any settlement of that question. I told him that some of the members of Congress had expressed themselves as opposed to receiving the territory back at this time, even if Great Britain was disposed to restore it, preferring that that Power should retain its Protectorate over it until the final adjustment of the Central American question between Great Britain and the United States. He said that some individuals may have spoken thus; but no such ideas were entertained by the Government. With regard to the Filibusters, he said that the intelligent portion of the country was fully satisfied of the disposition and determination of the United States Government to keep them out if possible; but if in spite of its desires and endeavors, these aggressors should elude the vigilance of that Government, it was natural that Nicaragua should seek further protection from whatever quarter it might be obtained. I replied that if the United States could not put down Filibustering, Great Britain wold not be able to do it— I said that the combined operations of the two nations had not entirely suppressed the African slave trade; that in spite of all vigilance these traders still occasionally escaped, but as far as it was practicable to put down Filibustering, the United States were not only willing but competent to do it, without the intervention of European Powers, whose intervention would not be prompted by any benevolent regard for the people of this country, but founded sole[l]y upon a desire of obtaining dominion in this quarter and building up a formidable power against the United States—a policy which the United States can never permit in justice to her own peace and safety— I then called the attention of the Minister to the Monroe doctrine; and after my exposition of its origin and objects, he replied that Nicaragua had some time since adopted this doctrine— I told him that the doctrine had not only saved this country from a re-subjugation to the power of Old-Spain, but that it had secured it against the aggresive power of Great Britain; whose Banner but for the declaration of Mr. Monroe, would long since have waived our every stronghold of the country. The Minister seemed to assent to the truth of this, and said that there could be no doubt as to the friendly dispositions of the United States towards this country. Nevertheless, he still seemed to think that Nicaragua ought not to forego the advantages of British protection against the Filibusters— I answered that I did not think that the United States would consent for Great Britain to land troops on this soil under the pretext of expelling Filibusters from it; for any attempt of that kind would not be for the good of Nicaragua; but in hostility to the United States. I remarked also that Great Britain had long been anxious to establish her power in this country; and that she now hopes to effect this end by availing herself of the mis-

for the present despatch. I can only notice few points— His Excellency insisted upon the necessity of Nicaragua's seeking security against Filibusters from any power that would extend it; and asked me if my Government would be satisfied if the same Treaty should be made with it which Nicaragua might make with England. I told him, that that depended upon the nature and extent of the concessions— Nicaragua—I said might grant more to Great Britain than what the United States would be willing to accept herself, and more than what their safety would allow others to receive— For instance—should Nicaragua relinquish one half of her territory to Great Britain and the other half to the United States, my Government would not consent to such arrangement, for two reasons. First—because it would be violative of the Clayton-Bulwer Treaty;—and secondly, because the United States do not desire any dominion in this country, nor are they willing that a hostile power dangerous to their peace should establish any— The desire of my Government is, that the Central American States should preserve their Nationality and Liberty unimpaired by any foreign Power, American, or European; and as the best means of securing this end, it recommends the union of these states into a federal government like that of the United States, this, and the maintenance of peace and harmony with them, comprises the whole policy of my Government towards this country— The conversation now turned upon the Transit—

The President expressed his ardent desire that it might be opened with as little delay as possible— I told him that I was confident that when the citizens of our respective countries should be brought together in social communion and commercial intimacy by the means of that route, there would be at once and [an?] end to all jealousies, apprehensions, misconceptions and filibusterism between the two people; he said that that would be a good time to make a Treaty—

In conclusion he requested me to enquire of my Government whether there was any mode of throwing open the Transit route to public competition

---

ment of the United States. I then told him that the making of a Treaty with Great Britain first, and then altering the American treaty to conform to it, looked very much like a superior deference to that Power and a disrespect to the United States. He reiterated that his desire was to make the same treaty with both nations— I then told him there was a way of settling all difficulties, which would be equitable and honorable to both countries; and that was for this Government to ratify the Cass-Yrisarri treaty at once without further delay, and then say to Great Britain that this Government is ready to treat with her, upon the condition of full and unequivocal renunciation of all pretentions to the Mosquito Territory— I said that there could be no objection to this course, since the American treaty under its late modification was rendered acceptable to this country, and that the adoption of this course would not only restore peace between the countries, but that it was due to the honor and dignity of Nicaragua as well as to a proper respect to the United States as a past and a present friend and known well-wisher of the Sovereignty and prosperity of this country. The Minister replied that he thought

without Nicaragua's incurring any responsibility to any of the claimants to the route— He is anxious to adopt this course if it can be done without exposing the country to any reclamation for the act—

I can write no more.

I have the honor [etc.].

P. S. I had just concluded this despatch when the Spanish document attached and marked A[1] was placed in my hands. It is a copy of the 23 Article in the Ouseley Treaty, alluded to in my conversation with Minister Cortez. Simultaneously with its reception, I was informed, by a reliable source that the said Treaty had passed from the House to the Senate, and had rec^d the ratification of that body. It now only waits the signature of the President. It has undergone some slight alteration, in the Congress, which it is possible Sir William may not be willing to accept. The alteration alludes to the Mosquito Territory, declaring that nothing in said Treaty shall be construed prejudicial to the just claims of Nicaragua to said Territory.

Yours respectfully.

P. S. I have recalled the Courrier—after having dismissed him—for the purpose of correcting a mistake—to wit;—that the Senate has not yet ratified the English treaty as stated in this despatch. My informant was mistaken. But that it will be ratified by that body is almost beyond doubt; and that there will be any-thing but hostility and the deepest malignity towards the United States during the present dynasty in this country is equally certain.

I remain very respectfully [etc.].

[1] Below is a translation (apparently made in the Department of State on the receipt of this despatch) of this document, the Spanish text of which, marked A, is also with the file copy of the despatch. Instead, however, of being the 23d it is the 22d Article.

[TRANSLATION]

Art: 22^d The Republic of Nicaragua Agrees, that: if, at any time, it should be necessary to employ military forces for the security and protection of persons and of property, passing over any, whatsoever, of the aforesaid routes; it will use the force, necessary for such an object; but that, if it should fail to do so, from whatsoever cause; her Britannic Majesty, with the consent, or on application, of the Government of Nicaragua, or of its Minister in London, or in Paris, or of the competent local authorities, civil or military, lawfully designated, may employ such forces for this, And for no other, purpose; And whenever, in the judgment of Nicaragua, the necessity for this shall cease to exist, such forces shall be immediately withdrawn. In an exceptional case, however, of unforeseen or of imminent danger to the lives or property of British subjects, the forces of Her Majesty are authorized to give them their protection, without the previous obtaining of such consent. Her Majesty shall prohibit and prevent the organization of armed expeditions, in her Dominions, whether for the purpose of invading Nicaragua, or with the intent, or under the pretext, of assisting any of the political parties or bodies, that may exist in that country.

1482

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

Confidential MANAGUA, NICARAGUA, *February 25, 1859.*

SIR: As the Government of the United States did not see fit to accept the modifications with which this Republic ratified the Cass-Irisarri Treaty, the Government was obliged to give an account to the Chambers in order that they might kindly establish rules for its conduct in this matter.

Pending their settlement, there has been concluded with the Minister of Her Britannic Majesty and ratified by the Chambers, the Treaty of Friendship, Commerce, and Navigation, which I have the honor to enclose to Your Excellency in the form of a confidential copy, and in which are found the unanimous sentiments of the Legislative and Executive powers of the Republic, which are willing to treat on the same terms with those of the United States.

My Government hopes that Your Excellency has competent authority to conclude a similar treaty, and that if you do not have them you will be good enough to make a report to the Government of the United States for the purpose proposed.

In communicating the foregoing to Your Excellency [etc.].

1483

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [2]

[EXTRACT]

No. 41 LEÓN, NICARAGUA, *February 26, 1859.*

SIR: I have delayed this despatch until the last moment in hopes of being able to communicate something definitely about the British Treaty, now before the Congress, and which will doubtless be ratified in a few days. I know nothing of its terms and conditions; but have been told by one of the Senators that it contains a guarantee of British protection against Filibusters —but to what extent, whether by land as well as by sea, he did not explain. The Mosquito question, he said, is to be settled by a seperate Convention;

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 4, enclosed with Lamar to the Secretary of State, No. 42, March 4, 1859, below, this part, doc. 1484.

ratification of the general Treaty.—

I suggested to Mr. Pedro Zeledon, the propriety of transferring his negociations with Sir William Gore Ouseley, to Washington where Great-Britain, France, Nicaragua and the United States, all being present by their representatives, might agree upon some general basis for their respective Treaties, and thus terminate all impending difficulties. He approved of the policy, and said he would propose it to some of the Members of Congress; but at the same time expressed his belief that the Government would not acceed to the proposition.— Whatever may be the character of the Treaty, its terms and stipulations I have little or no doubt will be almost exclusively dictated by Sir William himself; for Nicaragua seems to regard herself now, in a state of Colonial dependence; and is looking with great confidence to the arms of France and England for protection against what she is pleased to call the absorbing policy of the United States.

In a conversation with President Martinez, His Excellency said that, from the language of the President of the United States in his late Message to Congress, as well as from the known friendship and intimacy existing between him and the British Minister here, he inferred that any Treaty which the latter might propose would be in consonance with arrangements agreed upon by these parties before the departure of Sir William from Washington. He ask [asked?] me if I did not think so too. I told him most decidedly, no; for if any such arrangement had been made, my Government would have apprised me of it; but at the same time I told him that I thought it very probable that it was understood in Washington that Sir William would be instructed to restore to Nicaragua the Mosquito Territory. This, however, I gave as my conjecture only, having no information on the subject, as I told him beyond what I had gathered from the public prints.

Desirous of knowing what the Nicaraguan Minister in Washington had written concerning the Cass-Irrizari Treaty, when he had despatched the same to his Government by his Secretary Mr. Perez, I put the question directly to Minister Cortez, who replied without the slightest hesitation, but much to my surprise, that Mr. Jerez, had not written a word about the Treaty except to say that Mr. Perez was fully apprised of his views and opinions, and would be able to explain them to the Government. And what explanation did Mr Perez offer?—I enquired. None—was the answer. He had received no instructions, and had nothing to impart.[1] . . .

I have the honor [etc.].

[1] This omission discusses matters not pertinent to this publication.

1484

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 42 MANAGUA, NICARAGUA, *March 4, 1859.*

SIR: I avail myself of the opportunity of forwarding by Col. Louis Schlesenger a copy of the Treaty just concluded between the Govern[t] of Nicaragua and the British Minister—Sir Wm. Gore Ouseley.[2] Accompanying this is a letter, dated February 25th 1859 but not delivered until this date, from Mr. Pedro Zeledon Minister of Foreign Relations,[3] enquiring of me whether I had competent authority to enter into a similar convention with this government. I answered him verbally that I possessed no such powers. It is with his consent that I forward these documents; and for want of time to copy his letter, I send the original.

The Mosquito question remains unsettled.— The British Minister has left for Costa Rica; but before his departure, he presented to this Government some propositions as the basis of a future convention upon this subject. The terms upon which he proposes to adjust this question with Nicaragua, I have not been able to ascertain; but his propositions, have been laid before the Congress, and is now under the consideration of that body.

I enclose also a copy of a Protest of Louis Schlessenger against certain proceedings of this Government, together with a copy of my letter transmitting the same to the Minister of Foreign Relations.[4]

I have the honor [etc.].

1485

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Pedro Zeledón, Minister of Foreign Affairs of Nicaragua [5]

MANAGUA, NICARAGUA, *March 4, 1859.*

SIR: Mr. Louis Schlessinger, as the Agent of the American Atlantic and Pacific Ship Canal Company, has filed in this Legation a protest—a copy of which is herewith enclosed— [6]

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 4. Received April 2.

[2] A copy in Spanish of this treaty, which consists of twenty-eight articles and was signed on January 28, 1859, is in the manuscript volume with the original of Lamar's despatch, but is not included in this publication. For a translation of its 22d Article, see note 1, p. 730, above, this part.

[3] Above, this part, doc. 1482.

[4] See Lamar's communication to the Minister of Foreign Affairs, below, this part, dated also March 4, 1859. Schlessinger's protest, in the form of a long affidavit before Minister Lamar, is not included in this publication; it was made on behalf of the American Atlantic and Pacific Ship Canal Company.

Said Agent complains among other things, that any measure on the part of this Government declaring the transit across the Isthmus of Nicaragua free and open to general competition, would be in violation of a contract which this Government has celebrated with certain citizens of the United States, whose rights and interests he represents. With regard to the validity of said contract and the justice of the pretentions, I have nothing to offer, as these are questions to be settled by the proper tribunals; but in transmitting to Your Excellency said protest I consider it my duty to call Y. E.s attention to the following language of my Government contained in the despatch of the Honorable Lewis Cass dated Washington 25th July 1858,[1] copy of which I transmitted to Y. E.—viz:

> What the United States demand, is that in all cases, where their citizens have entered into contracts with the proper Nicaraguan authorities and questions have arisen or shall arise respecting the fidelity of their execution, no declaration or forfeiture either past or to come, shall possess any binding force unless pronounced in conformity with the provisions of the contract, if there are any, or if there is no provision for that purpose, then unless there has been a fair and impartial investigation in such manner as to satisfy the United States, that the proceeding has been just and that the decision ought to be submitted to.

It is therefore to be supposed from this that my Government will not permit questions of vested rights in which the interests of American citizens are involved to be arbitrarly determined.

1486

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Pedro Zeledón, Minister of Foreign Affairs of Nicaragua [2]

No. 3 MANAGUA, NICARAGUA, *March 8, 1859.*

SIR: Although I had the honor of notifying Your Excellency in a communication of this date [3] that I possessed no powers for negociating a Treaty with this Government, still I am willing—as I have already expressed to Your Excellency—to assume the responsibility of doing this, provided Your Excellency—entrusted with the negociation on the part of your Govmt—and myself may agree upon such terms and conditions as we beleive our respective governments will approve and accept. I cannot, however, as indicated in the Decree of this Government upon the subject, of this date, compromit myself before hand to any things contained in your Treaty which

this Government may have entered into with any other nation. I am ready to discuss with Y. E. all points which may properly pertain to a Treaty of peace, amity, navigation and commerce between our two nations—and if we can agree upon the various articles and stipulations composing the same, then we will celebrate the convention; but on the other hand, if we should not be able to agree—if either party should exact more than what the other could concede—then the negociation fails; and no evil can result from the attempt. I make this proposition from a sincere desire of establishing good relations between our countries, as well as from a firm conviction that there does not exist any insuperable difficulties to the formation of a fair and honorable Treaty, which shall be reciprocally beneficial. Where both parties are animated by the same motive—that of doing good—without any desire of undue advantage, I can perceive no posible reason why our endeavors should not be crowned with success.

I have the honor [etc.].

1487

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Pedro Zeledón, Minister of Foreign Affairs of Nicaragua [1]

No. 4 MANAGUA, NICARAGUA, *March 10, 1859.*

SIR: The rejection of the Cass-Yrizarri [Irisarri] Treaty; and the seeming impossibility of celebrating any other in what I consider a spirit of reciprocal confidence, friendship and liberality render my continuance in Nicaragua of no practical utility either to this country or my own, except it might be for the purpose of setting the reclamations of American citizens against this Government—a task which I would willingly resign to those who are better qualified for the disagreable and sterner duties of my mission— My own opinion is that Nicaragua is not in a suitable disposition at the present moment to establish amicable relations with the United States. This must be the work of another day, when time and circumstances shall have moderated the existing prejudices of the country and corrected the erroneous impressions that prevail in reference to the Government and people of the United States— I do not deny that Nicaragua may have had some cause of alarm from what are termed the Filibusters, considering the great endeavors made to excite her fears upon this subject, combined with the positive efforts which these lawless adventurers were actually making for an invasion of her

pendence, nationality, and progress of all Central America have not been properly appreciated, and ought to have secured from this Government a larger share of its confidence and friendship than it has received— Under these circumstances I have determined to apply to my Government by the next Steamer to release me from my mission to this Republic— This determination is not induced by any disrespect to any members of the Government, to all of whom I beg leave to tender my most respectful considerations, and at the same time to accord to them the highest sentiment of patriotism.

That we disagree in our views of policy is true, but that they are animated by a mutual desire to protect what they honestly consider the best interest of their country, I have no reason to doubt— All nations have a right to think for themselves; and to guard their own honor and interest in their own way with a due regard to the rights of others— I only regret that we should have differred on points so essential to the establishment of those harmonious relations between our countries which every good man must desire. This regret however is greatly releived by the reflection, that however widely we may have differred in our public views, our social relations have not only not been interrupted, but on my part have continued to strengthen in proportion to our intercourse, and to Y. E. especially, whom I have so long and intimately known as a citizen, Senator, and Minister, I beg leave to tender the assurances of my highest respect and unfeigned friendship.

It is my intention to proceed to San José in Costa Rica, where Y. E. can continue to communicate with me officially until I hear from my Govmt and shall notify Y. E. of my final seperation from my duties.

I have the honor [etc.].

1488

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

A MANAGUA, NICARAGUA, *March 11, 1859.*

SIR: I have the honor to acknowledge receipt of the esteemed communication of Your Excellency of the 4th instant,[2] and annexed copy of a protest drawn up by Mr. Louis Schlessinger as the recognized political agent of the American Ship Canal Company, against the discussion pending in the chambers concerning the existence of the rights which the said

privilege was granted it of establishing the transit route through the isthmus, from one sea to the other, within a certain period and on certain conditions.

Without intending to admit or consent to the fact that Mr. Schlessinger is at present vested with the character of the recognized political agent of the company near the Government of Nicaragua, or the others which he mentions in his other protest, as violations of the contract, or to recognize the existence of such rights of the company, I am directed to reply to Your Excellency that the Government, being convinced that the said company has not established the transit route which was its principal object, in six times the period in which it was to have accomplished it, under the last contract, thus disappointing the hopes of Nicaragua and the interests of commerce of the whole world, and that even having announced last September the arrival of steamships by way of the Atlantic and Pacific, with passengers, in six successive months, not a single one has come by way of the Pacific, nor had necessary works been prepared in the river, in the ports nor the road, for passengers; nor had it been attempted to make satisfactory arrangements with the government for the use which it was intended to make, as indispensable, of the works existing, for lack of others; does not recognize that the Republic is obligated by those contracts, and has submitted its opinion to the legislative chambers, and they are desirous of granting the transit route, and navigation of the River and Lakes to all nations without restriction or monopoly. They are discussing between themselves this question and this object; and Mr. Schlessinger has attempted by his protest to stop these discussions and deliberations, which are necessary to the interests of Nicaragua.

On this occasion, the Supreme Executive Power of the Republic has nothing more in particular to reply to the esteemed communication of Your Excellency than the circumstance that the aforesaid Canal Company was incorporated as a Nicaraguan company, that as such it itself once declined the power of the United States, that Nicaragua has a permanent right to examine and pass on the business which interests it, and that the Executive Power must carry out and maintain the result of such constitutional deliberations.

On this occasion, I have the honor [etc.].

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

MANAGUA, NICARAGUA, *March 12, 1859.*

YOUR EXCELLENCY: It is a matter of regret to me that, as Your Excellency advises me in your kind note of yesterday,[2] you are leaving this Republic, abandoning your mission to it, and going to Costa Rica, under the apprehension that it is impossible to conclude with Nicaragua a treaty of mutual confidence, friendship, and liberality, and that Nicaragua is not at present willing to establish friendly relations with the United States.

Far from concurring in this opinion which Your Excellency forms as to the facts, I believe that the terms proposed to Your Excellency for the conclusion of the treaty are very reasonable because they are very necessary for the security of Nicaragua and could not be abandoned by her representatives; but which Your Excellency believed he must not accept.

The departure of Your Excellency is so much the more regrettable as your residence in this country has resulted in much good. Your arrival occurred at a time which was very unfavorable to carrying on political negotiations; a time when the nation was much agitated by news received from time to time to the effect that the country would be invaded by compatriots of Your Excellency. Despite these obstacles, Your Excellency succeeded in maintaining friendly relations with the Government and with the people, diminishing those prejudices, explaining the just intentions of your Government, and smoothing as far as you have been able to do so the road to a perfect harmony between the two republics. In all these ways Your Excellency has gained the confidence and the affections of the nation, so that you may be assured that in leaving, you carry with you the sincere desire of all for your happiness and welfare.

I have the honor [etc.].

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 4, enclosed with Lamar to the Secretary of State, No. 43, March 20, 1859, below, this part, doc. 1494.

[2] Evidently refers to Lamar's note of March 10, 1859, above, this part, doc. 1487, which probably reached him on the 11th.

1490

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Pedro Zeledón, Minister of Foreign Affairs of Nicaragua [1]

No. 6 MANAGUA, NICARAGUA, *March 12, 1859.*

SIR: I acknowledge the receipt of Your Excellency's [note?] of this date [2] in answer to mine of the 10th instt.,[3] and beg leave to say in reply that although the difficulties we had met with in the course of our negociations to conclude a Treaty had forced me to give up every hope of accomplishing that desireable end the sentiments expressed in said note of Y. E. and still more the favorable disposition Y. E. has evinced upon the subject in our last interview have revived the hope that we may yet be able to accomplish what we have hitherto failed to do, I am therefore disposed to give to your government a further proof of my ardent desires to lay the foundation of a lasting friendship between our countries, by manifesting to Y. E. my readiness to renew our negociations to conclude a Treaty— As we are both animated by the same motives and equally impressed with the importance of the measure, I cannot but indulge the hope of final agreement.

I have the honor [etc.].

1491

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [4]

[TRANSLATION]

MANAGUA, NICARAGUA, *March 12, 1859.*

SIR: As we are fortunately in agreement as to the substance of the articles which hindered the conclusion *sub spe rati* on the part of Your Excellency, of the treaty of Friendship, Commerce, and Navigation with the United States concerning which Your Excellency had offered to confer, and over the result of which I rejoice with you, [and] recognizing the nobility of your earnest desire for an understanding, I believe that the two high contracting parties, to which the ratification will be submitted will find a new treaty, unconnected with such disagreeable antecedents more satisfactory than reference to them in any manner. Such is my opinion and the course which I would respectfully suggest as the most adequate, although I am willing to adopt any other, if this should not be agreeable to Your Excellency.

I have the honor [etc.].

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 4, enclosed with Lamar to the Secretary of State, No. 43, March 20, 1859, below, this part, doc. 1494.

1492

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

MANAGUA, NICARAGUA, *March 13, 1859.*

SIR: Being substantially in agreement, as we are, with the terms of the Treaty between the United States and Nicaragua, I consider it advisable respectfully to suggest to Your Excellency that we draw it up as a new one, similar to the Cass-Irisarri (treaty), with the modifications and addition agreed upon.

Very respectfully.

1493

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [2]

[TRANSLATION]

No. 9 MANAGUA, NICARAGUA, *March 19, 1859.*

SIR: I take satisfaction in advising Your Excellency of the prompt ratification to-day,[3] by the Chamber and the Executive Power, of the Treaty of Friendship, Commerce, and Navigation concluded with Your Excellency, in the hope that it will be ratified by Your Government.

I share with Your Excellency the glory of having succeeded in terminating the difficulties which had prevented this agreement, and of having thus prepared the best understanding between our governments and republics.

On this occasion, I have the honor [etc.].

1494

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [4]

[EXTRACT]

No. 43 MANAGUA, NICARAGUA, *March 20, 1859.*

SIR: Herewith I transmit a Treaty which I have celebrated with this Government— It is a transcript of the Cass-Irisarri Treaty,[5] embodying the

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 4, enclosed with Lamar to the Secretary of State, No. 43, March 20, 1859, below, this part, doc. 1494. [2] *Ibid.*

[3] A translation of the decree of this date repeating the ratification also on the same date by the Senate and House of Representatives of the treaty just concluded is filed with the

modifications which this Govmt had proposed, and which our Govmt had rejected. My motive for making such a Treaty was this— Finding that Sir Wm Gore Ouseley had adopted these very modifications in his Treaty, I concluded that our Govmt might possibly, on reconsideration, be willing to accept the same also. It was impossible to treat with this Govmt on any other terms. I had to accept these modifications or have no Treaty—; and I preferred the first of the alternative— If there was any advantages in the British Treaty I was desirous of securing the benefits of the same to the United States— If otherwise the Treaty imposed no obligation on our Govmt— It can be rejected or accepted according to circumstances— Having adopted the Cass Irizarri Treaty litterally, I was disposed to retain its title and to have added the modifications in a supplementary convention. But as the time for ratifying said Treaty had expired it was deemed advisable for this reason and other considerations to make an Original Treaty[1] . . .

I have the honor [etc.].

[1] The omitted portion lists the enclosures with the despatch, nearly all of which are included above, bearing the dates March 8 to March 19, 1859. Among them, though not commented upon in the despatch, was the following decree ratifying an additional article to the treaty between Nicaragua and Great Britain:

No. 9 MANAGUA, *March 23, 1859.*

The President of the Republic to his people.

KNOW YE:

That the Congress has issued the following order:
The Senate and Chamber of Deputies of the Republic of Nicaragua,

DECREE:

Art. 1. The ratification in all its parts of the additional article drawn up by the respective Ministers Plenipotentiary of this Government and Her Britannic Majesty in the city of Leon on the 17th of the current month and year, as an integral part of the Treaty of Friendship, Commerce, and Navigation, concluded by the same in the said city on the 18th of January of the current year, which additional article is of the following tenor:

Additional Article:

By the Treaty of Friendship, Commerce, and Navigation between Her Britannic Majesty and the Republic of Nicaragua which the undersigned Ministers have signed, it is not intended to alter in any respect nor cede on the part of Nicaragua the rights of sovereignty which it maintains over the territory occupied by the Mosquitos on the coast of the Atlantic Ocean, but the question as to this territory pending with Her Britannic Majesty shall be adjusted by a special convention already initiated between the two high contracting parties. The present article shall be considered as an essential part of the said treaty, signed on the 18th of January of this year. In faith whereof the respective plenipotentiaries have signed it and affixed thereto their respective seals. Done at León on the 17th of February, 1859.

(signed) PEDRO ZELEDÓN.
(signed) W. G. OUSELEY.

Article 2. Accordingly the article inserted above shall be considered as a law of the Republic as soon as the exchange of the respective ratifications thereof have taken

1495

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACT]

No. 45 MANAGUA, NICARAGUA, *March 20, 1859.*

SIR: Herewith I have the honor to transmit a letter (marked A) [2] from the Hon. Pedro Zeledon, Minister of Foreign Relations in answer to the Protest of Mr. L. Schlessinger, Agent of the Amª Atlantic and Pacific Ship Canal Company, forwarded to your department with despatch Nº 42.[3] . . .

I have the honor [etc.].

1496

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [4]

No. 47 POINT Y CACO [PONTA Y CACA?], *March 31, 1859.*

SIR: Costa Rica has ratified the Belly Contract some time since— Belly himself has just arrived at San Juan del Norte with a retinue of some forty persons;— There is no doubt that this Republic will follow the example of Costa Rica and ratify his contract also; but probably with some modifications— Belly has not waited for the action of this Government; but seems to take it for granted that his contract will be ratified without hesitancy; And has accordingly invited the two Presidents of the Republics to attend the celebration of the opening of his work, as if the recognition by Nicaragua was already consumated, or at most a mere act of formality—

It was my intention to have proceeded in the present Steamer to Costa Rica; and with this view, I took leave of the Government of Nicaragua; two considerations, however, have restrained my departure—; the one is that I have not yet received the despatches by the last Steamer—I cannot leave until I obtain them—And the other is that it is my desire to ascertain what are the designs of Mr. Belly, and how far this Government may be disposed

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To the Executive Power, Hall of the Chamber of Deputies, Managua, February 21, 1859—Pablo Chamorro, D. S. Therefore, let it be executed. National Palace in Managua, February 23, 1859—Tomás Martinez.

To Dr. Don Rosalio Cortez, Secretary of State in the Department of the Interior and of War, and temporarily in that of Foreign Relations.

ROSALIO CORTEZ.

Columbus and have no time to add more— I have much to say to our Government about this country when I return to Washington— I can explain more in one hour's conversation that I can write in a volume—

I have the honor [etc.].

1497

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 49 REALEJO, NICARAGUA, *April 25, 1859.*

SIR: I have the honor to inform your Department that I received from the special bearer of despatches Mr. Ran Runnels on the 21st inst the communications Nos. 21.–22.–23 and 24, together with a Duplicate of Despatch Nº 20.[2]

I shall proceed immediately to carry out your Instructions, and demand my Passport from this Government; but I will not be able to take my departure by the present Steamer. I shall leave for Washington on the first of June; and on my arrival there will give my Government all the information in my possession in relation to the affairs of this country.—

In celebrating the Lamar-Zeledon Treaty, I had some misgivings about the propriety of the measure. Still under all the circumstances I deemed it best to enter into it, for reasons assigned in my Despatch 43.[3] Those reasons, however have lost much of their force since the perusal of Despatch Nº 20— which by the way was not received until seventeen days after the celebration of said Treaty. The motives for excluding from any convention with this Government, certain offensive conditions contained in the Lamar-Zeledon Treaty, are so lucidly and forcibly set forth, in that document as to excite my fears that I may have fallen into serious error. Nevertheless as all was aimed for the best; and no evil can arise out of the affair, I shall dismiss [it?] as one of no importance.— If said Treaty has in anywise compromised the dignity of my country; that dignity is fully asserted and sustained in the document alluded to (Nº 20). and still more emphatically vindicated in Despatch Nº 22, dated April 1st, 1859.—

I rejoice exceedingly at the course our Government is taking in relation to this country. It is the only true one. I have long felt the uselessness of a Minister in this country; and the impossibility of establishing any harmonious relations with it. I have not encountered in this country anything in relation to ours, but one continual stream of abuse of it from the press, and the deepest hypocracy, secrecy and deception on the part of the public

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 4. Received May 27.

[2] For No. 20 dated March 4, No. 22 dated April 1, and No. 24 dated April 4, 1859, see above,

authorities. The whole policy of this country seems to be to involve the United [States] in a War with the European Powers. They are evidently expecting it, and preparing for it; and that they are encouraged to this by the secret emisaries of those Powers I confidently believe. My own conviction is that the time is near at hand when the United States will have to make a practical assertion of the Monroe Doctrine, or abandon this country to European domination. I have always regarded the Central American question, as a fighting question; and if I mistake not, I expressed this opinion to the President before my departure from Washington;—an opinion which has been strengthened and confirmed more and more by every day's experience since I have been in this country.—

I have the honor [etc.].

1498

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 50 CHINANDEGA, NICARAGUA, *April 28, 1859.*

SIR: The Mosquito question remains still unsettled. The convention submitted by Sir Wm. Gore Ouseley, has been peremptorily rejected by this Government. Nicaragua then proposed the terms and conditions on which she was willing to Treat. Sir William replied that his instructions would not allow him to vary his original proposition. Thus matters stand for the present.

The Canal Contract of M. Belly has been confirmed by Congress and ratified by the President with modifications. The enclosed News-paper will give all the information I have on the subject.—

President Martinez has gone to Rivas, to meet M. Belly and President Mora, for the purpose of celebrating the consumation of the Convention which they formed in that place on the 1st of May 1858.—

The sole and only object of the Belly Contract, so far as Nicaragua and Costa-Rica are concerned, is to plant a French colony in this country under the protection of Louis Napoleon; and in this way get possession of the San Juan River, and hold it against any American Company that may attempt to open the Istmus route. I think this may be fully relied on.

I have the honor [etc.].

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Pedro Zeledón, Minister of Foreign Affairs of Nicaragua [1]

No. 6 MANAGUA, NICARAGUA, *May 5, 1859.*

SIR: Enclosed is a copy of a Despatch No. 22 dated April 1st 1859, from my Government,[2] by which Your Excellency will perceive that I am instructed under certain contingences to communicate the same to this Government and demand my Passport, and return home.— In obedience to these instructions I have to ask Your Excellency the Passport desired. The Document transmitted explains itself so fully and clearly as to supersede the necessity of any observations on my part.

I have the honor [etc.].

Memorandum of a conversation held with His Excellency Pedro Zeledón, Minister of Foreign Relations, on the 5th of May, 1859, after having applied to him for my Passport—

The conversation commenced by my remarking that Nicaragua committed a great error in regarding the United States as an enemy, when my Govmt had given such unequivocal proofs of its friendship by protecting it against the Fillibusters— Mr. Zeledon replied that when Comodore Paulding removed the Filibusters from San Juan del Norte, there was a general enthusiasm in favor of the United States; but when it was seen with what vehemence that act was denounced in Congress and by the public Press, and how he (Com. Paulding) was forced to leave his command on account of his course, the feeling of disconfidence and insecurity naturally revived among the Nicaraguenses. I made no direct reply to this— We were seperated for a few minutes— The conversation being resumed,—I remarked to the Minister that it had been my constant endeavor to impress upon this country the importance of preserving good relations with the United States—and yet in despite of every consideration, I said, it had evidently been the constant policy of this Government to involve the United States in a war with England and France,—a fatal policy for Nicaragua; for let the contest terminate as it might, she would in any event be the victim. He assented to the evil consequences which would result to this country from such a war; but did not admit that the settled policy of his Govmt had been to bring it on— I told him that every thing plainly manifested that the design of the Govmt was to introduce an European population into the country in hostility to the Americans; and thus elicit the interference of foreign powers —a design, I said which had never been lost sight of since the Convention of

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 4, enclosed with Lamar to

Rivas on the first of May 1858—[1] I stated that the ratification of the Belly Contract—after the impracticability of opening the proposed Canal was universally admitted—could not be regarded in any other light than as the carrying out of the principles of the Rivas Convention, and as a measure of hostility to the United States— I told him I so regarded it myself, and thought my Govmt would view it in the same light. Not offering any reply to my observation, I continued, saying—that it had been my policy on all proper occasions to admonish this Nation of the danger of relying upon European interposition in its affairs, for the United States would never permit European powers to establish dominion in this country and rear up within its limits a bulwark against their own security and peace. In evidence of the state of feeling towards my country, I adverted to the fact, that as soon as the Lamar-Zeledon treaty had been concluded, the editor of the National of Leon, Ex Minister Juarez, published that the North Americans after threatening and bullying a great deal, had at last come into the terms of this Govmt as quietly as lambs— I cannot quote the words; but the idea is to the same effect; and I think as strongly expressed as I have done it— Mr. Zeledon replied that el Señor Juarez was frequently injudicious— I answered that he wrote under pay of the Govmt—

MIRABEAU B. LAMAR.

1500

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [2]

No. 7 MANAGUA, NICARAGUA, *May 9, 1859.*

SIR: I have the honor to acknowledge the receipt of your estimable despatch of the 5th,[3] inclosing copy of one, Nº 22, dated the 1st of April of the present year [4] and addressed to your Excellency by General Lewis Cass, Minister of Foreign Relations of the Government of the United States, by which Your Excellency is instructed, under certain circumstances, to ask for your passports and return to your country; in obedience to which you apply for such passports, abstaining from any observations in view of the amply explicit character of that document.

When my government was most confident, as to its relations with the United States, under the hope of the ratification of the treaty, which had been lately concluded with Your Excellency and under the faith in the satisfactory and honorable reciprocal demonstrations, which passed between it and yourself on the occasion of your two leave-takings, when you an-

form of absence, was unusual, my government flattered itself with the well-grounded hope that it was your intention to report to your government, in a manner, favorable to Nicaragua; this disagreable determination has caused it a painful surprise, and still more so that it rests on the absence of full and explicit information on the part of Your Excellency. Still, my government yet hopes that such information as you may have lately given, in keeping with your satisfactory demonstrations, and that such as you may give on your arrival in the United States, will improve the impressions as to the disposition of Nicaragua in favor of the United States, or at least justify the conduct of its Authorities in connection with Your Excellency's mission.

The first deliberation of the Constituent Assembly of this Republic, under date of the 25th of March, on the Cass-Yrisarri treaty was constitutionally returned with the veto and observations, consonant with the state of public opinion at that date, and said Assembly holding the observations to be just, deemed it proper to amend the treaty and add to it, on the 28th of June. It was presented with those amendments and additions to the government of the United States by General Maximo Jerez our Minister Plenipotentiary. The latter, through his Secretary, Don Gerónimo Perez, informed the government that part of them was accepted and part rejected by that government. The chambers were called together on urgent business and the matter was referred to them. Yet they were embarrassed; because, in treaty matters, their action was confined to ratification; now no new article, agreed upon by the contracting parties, was presented for their action. Neither could the government apply a second veto, nor present such articles, because Your Excellency unvaryingly stated that you had no power to treat, or to make any alterations in the Cass-Yrisarri treaty, which impression has been confirmed by all your subsequent acts, until the treaty lately concluded, *sub spe rati* on your part. In the meanwhile, the period fixed on for the ratification (of the former?) had expired since the 16th of August.

When the Chambers had again met, the Minister of H. B. M., Wm Gore Ousley has presented himself in this Republic, proposing a treaty similar to the Cass-Yrisarri's, and the government, in its ever instant intent of securing garanties for the neutrality and protection of the communication routes, between the two oceans, that may be established in the Republic, according to the intents of the United States, well expressed in article 15th of that treaty, by which they agree to exert their influence with other nations to induce them to come into like garanties, wishing, on the other hand, to secure for the Republic the advantages held out by the friendship of the great Powers, went into a treaty with Mr Ouseley, in which, as in the Cass-Yrisarri treaty, it introduced those amendments and additions, in keeping with those, which appear in the American treaty.

In the course of this Convention, Mr Ouseley proposed one in relation to the territory known as Mosquitia, on grounds relative to those of the Dallas-Clarendon treaty [1] and again submitted to the authorities of this Republic and rejected by them. In this connection, the Government consulted the Senate, and in pursuance of its decision, it proposed other and additional changes in harmony with the dignity and the interest of the Republic; and as the question of ratifying the principal treaty had come up, the rights of the Republic were reserved by an additional article, in the still pending question.

It has been far from the intention of the Authorities of this Republic to postpone the treaty with the United States, which it might have desired to conclude before this time, and which, if not concluded, was so on account of amendments which they have considered expedient for their own safety and to which the government of the United States has not consented; and as they have lately concluded a new treaty with Your Excellency on those grounds, they would have been glad to conclude it before, had Your Excellency deemed it proper to lend yourself to it, at an earlier period.

Neither have they intended to grant more to H. B. Majesty than to the United States; but on the contrary they offered to Your Excellency the negotiation of a treaty, similar to the Ouseley treaty, or one in the terms of the Yrisarri treaty, which Your Excellency selected, making use of both of them to the best advantage; as also the tender of an agreement to the amendments and the additions of both, or the framing of a new one, which latter Your Excellency preferred.

In so much as touches the addition to an article of the Ouseley treaty, in which he binds his government to prevent the organization of fillibustering expeditions within its territories, even under pretence of assistance to any party in Nicaragua; Your Excellency cannot deny that it is the duty of governments to do all in their power to shield their people, and that Nicaragua can never do too much to ward off the scourge from hers. Against this addition, Your Excellency evinced the greatest earnestness; and in the treaty, which we concluded, the terms of it were softened down.

If the Mosquitia convention have not hitherto been closed; it is not because Nicaragua declines or neglects the restoration of this precious portion of her territory; but far from this, & on the contrary, because, even under the proposed terms of the Clarendon-Dallas treaty, the dignity and the interests of the Republic are not deemed to be sufficiently provided for.

To this was added a new incident, which tended to prejudice still more the government of the United States against Nicaragua; and that was the order issued by the government in the beginning of March directing the mooring, under the guns of Fort San Carlos, of the small steamers of the

engaged in no transit service, because they never had connecting vessels on the Pacific side and consequently no passengers to convey. The reason of this order grew out of a general alarm which existed and which, in part, Your Excellency witnessed, from the fact that an unknown vessel, which was cruising along the Southern coast, would be anchoring in places not declared open by law; and that it even made a harmless landing, though one not notified, which led to the precautionary measure to prevent their being attacked and employed against the Republic, by some fillibustering expedition perchance. In carrying out the order, the persons, who had charge of them, disagreed among themselves and abandoned their charge; one of the vessels being detained until an inventory of its properties could be made. One of the vessels grounded on the bank of the river; but it was saved by the immediate exertions of the government. Mr Lewis Schlessinger, who was at that time passing in the vicinity, with the evil spirit which he bears towards the country, wrote an exaggerated statement of the facts to Your Excellency and continued to do the same in the United States. This statement, Your Excy communicated to me and I immediately satisfied you, in the premises, through my narrative of the facts, under date of March 24th1, together with the statement of the reasons for the order and the order for the surrender of the vessels, so soon as it could take place, and also of the salvage of the steamer, that had gone ashore. And if the vessels were not actually delivered up, it was because there was no one to receive them and defray the government for keeping them safe.

The unknown vessel, which was cruising along the Pacific coast, proved to be the United States' sloop of war Decatur, which finally arrived at San Juan and gave information to the Commandant and he to the government; and the alarm was swelled by that, coming from every point of the coast, which did not and could not know it (the charater of the vessel?). The government was compelled to meet the public requirements, calling the people to arms at a cost of three or four thousand dollars, incurred in just so many days.

After all that has been stated and of which Your Excellency is fully conscious; after having exhausted our best efforts and deferences up to the signing of the treaty, which we have concluded, *sub spe rati* on your part, with the object of keeping up the best understanding with the government of the United States and with Your Excellency, we cannot withhold from Your Excellency the passport, which you request, should you still consider it your duty to insist on its delivery. We trust in your fairness for that better information to your government, which will convince it that the government of Nicaragua is acting on the line of its rights, with the greatest good faith and consideration in respect to the United States.

1501

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Pedro Zeledón, Minister of Foreign Affairs of Nicaragua [1]

No. 8 MANAGUA, NICARAGUA, *May 10, 1859.*

SIR: I have received Your Excellency's communication of the 9th inst,[2] in reply to my application for my Passport, and will lay the same before my Government. No reply being necessary on my part, I beg leave to renew my demand for my Passport.

I have the honor [etc.].

1502

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [3]

No. 9 MANAGUA, NICARAGUA, *May 12, 1859.*

SIR: In answer to your estimable note, dated the day before yesterday,[4] I have the honor of transmitting to you the passport, which you are pleased to request at my hands, through said note; and of tendering [etc.].

1503

Antonio José de Irisarri, Guatemalan, Salvadoran, and Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [5]

Private and confidential. BROOKLYN, NEW YORK, *May 15, 1859.*

DEAR SIR: I have read in the New York papers a notice to the effect that the Ousely Treaty had been rejected by England, because its articles are not in conformity with what the British government agreed on with that of the United States in relation to the Central American questions and moreover because it is not framed in keeping with the transit question. Deeming it to be of the greatest importance that whatever is reliable in the premises should be communicated to the governments of Guatemala and of Salvador, I take the liberty of begging you to be pleased to inform me, if possible, of any knowledge which your government may have in relation to this decision of the British Cabinet.

I improve this opportunity again [etc.].

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 4, enclosed with Lamar to the Secretary of State, No. 52, which is not included in this publication, since it is merely a list of enclosures. [2] Above, this part, doc. 1500.

[3] Despatches, Nicaragua & Costa Rica (Central America), vol. 4, enclosed with Lamar

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to William Gore Ouseley, Special British Representative to Central America[1]

No. 10 REALEJO, NICARAGUA, *May 20, 1859.*

SIR: I have received from my Government, a Despatch No. 22. dated Washington 1st May 1859,[2] with instructions to transmit a copy of the same to Your Excellency, which I have the honor herewith to do.

Very respectfully [etc.].

1505

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Nazario Toledo, Minister of Foreign Affairs of Costa Rica[3]

No. 11 REALEJO, NICARAGUA, *May 20, 1859.*

SIR: I am instructed by my Government, to inform the Government of Costa-Rica, that in consequence of the course pursued by Nicaragua, my Mission has been terminated, and that I am instructed to return to the United States. In communicating this information, I am further instructed to say, that any communication which the Government of Costa Rica may desire to make to the Government of the United States, will be received through the Costa-Rica Minister at Washington.

I have the honor [etc.].

1506

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States[4]

No. 51 REALEJO, NICARAGUA, *May 29, 1859.*

SIR: In my Despatch Nº 50. dated Chinandega 28 April 1859[5] I informed the Department, that "the Mosquito question remained unsettled."— I have to repeat the same thing.— The question is still unsettled. In spite of all my endeavors to ascertain the points of difference between Sir William Gore Ouseley and this Government, I have not been able to obtain any definite and satisfactory information upon the subject. The Minister of

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 4, enclosed with Lamar to the Secretary of State, No. 52, which is not included in this publication, since it is merely a list of enclosures.

[2] The Department's No. 22 was not dated May 1, but April 1, 1859. See above, this volume, pt. 1, doc. 1113.

[3] Despatches, Nicaragua & Costa Rica, (Central America), vol. 4, enclosed with Lamar to the Secretary of State, No. 52, which is not included in this publication, since it is merely a

Foreign Relations—Mr. Pedro Zeledón—promised to furnish me with a copy of his letter to the British Minister rejecting the British propositions and setting forth the terms and conditions on which Nicaragua was willing to treat; but from some cause—probably the press of business he failed to comply with his promise, although repeatedly reminded of it. In conversation with said Minister, he stated to me that Great-Britain was not disposed to concede to Nicaragua more than a mere *nominal jurisdiction;* but what he meant by nominal jurisdiction he did not explain. He entered into no particulars. I was, however, informed afterward, through an unofficial source that Sir William Gore Ouseley's proposition was to the effect that Great Britain would surrender the Protectorate, and recognise said Territory as a part of Nicaragua, provided the Mosquito Indians should be allowed to retain possession of the soil in fee, and make their own local laws. This would be virtually constituting them an Independent nation. It would be the establishment of a government within a Government. I was informed by Doctor Dawson—a very reliable American Citizen residing in Chinandega—that Mr. Zeledon communicated to him, that Sir William had proposed that the Nicaraguan Congress should pass a Decree recognising the pretentions of Great Britain to said Mosquito territory; and this being done, the British Government would restore the same back again to Nicaragua. The motive assigned by M. Zeledon for this extraordinary proposition was that Great Britain was anxious to escape from the responsibility of having favored the sale of extensive tracts of land in said territory. That the Mosquito Indians have made grants of land to British Subjects under the sanction of British Agents, is generally understood; and it is more than probable that this now constitutes one of the difficulties in the adjustment of this troublesome question. The course of the British Minister in this affair has been something singular. If the principal object of his mission as I now understand it to be—was to make a surrender of the Protectorate, it is strange that he did not proceed at once to the work. This was the natural and rational course of business; and I am told it was the course originally desired by Nicaragua. Instead of doing this, however, the Minister insisted upon postponing any action upon that question, until he should first celebrate with this Government a General Treaty of Peace, Friendship, Commerce and Navigation. Nicaragua, as a matter of course succumbed to his wishes. Dependent—as she had been taught to suppose herself upon British protection she celebrated the Ouseley-Zeledon Treaty without the slightest

In this expectation she seems to have been disappointed. As soon as the General Treaty was concluded and the British Minister felt himself pretty secure in the confidence of this nation, he presented his Mosquito Convention. The terms and conditions were of a nature which Nicaragua could not accept. They were promptly and peremtorily rejected; and Nicaragua presented her own basis of an adjustment. Sir William replied that his instructions would not allow him to vary his propositions; that he had presented his ultimatum; and if Nicaragua did not chose to accept it, his Government would not ratify the Ouseley-Zeledon Treaty; and of consequence the Protectorate would have to remain as it is. Thus stand matters for the present. Mr. Zeledon assures me that this Government will not recede from its position; and expresses the opinion that Nicaragua—in spite of all the unpleasant past—will finally have to look to the United States for protection. The motive of the British Minister in insisting upon making a General Treaty before coming to some understanding with this Government upon the Mosquito question, I can scarcely conjecture, unless it was to gain time to flatter these people into the acceptance of the propositions which he held in reserve. My own opinion is that Sir William relied too much, for the success of his objects and purposes, whatever they might be, upon the known hostility of this Government to the American people. I think it not at all improbable that he flattered himself on his first arrival here, that the prevailing fears of the Filibusters, and the general desire of this nation to secure the friendship of Great Britain, would enable him to settle the Mosquito question, without difficulty, upon his own terms; but that he attempted in any direct manner to operate upon the prejudices and passions of this people in aid of his negociations I have no positive proof. All that I can offer upon this point is the following circumstance.— When Sir William forwarded his ultimatum to this Government from Costa-Rica, he directed a private letter at the same time to a man by the name of Manning—a British subject well-known in this country for the last thirty years—stating that the Filibusters had organized a formidable force, and would come down upon Nicaragua in forty days.— Manning—and the British Consul—soon spread the tidings abroad; and did what they could to create a panic. They failed, however; and the affair had no effect upon the ultimatum. In conversation with President Martinez upon this subject I remarked, that when any favor or advantage was sought of Nicaragua the parties seeking the same, seemed to believe that nothing was necessary but to cry—"the Filibusters are upon you"—and they were sure to obtain whatever they demanded. This was an old stratagem—I told him—which had been too often employed to be repeated, as I hoped, with any prospect of success. He smiled, and seemed

tions of the British Minister upon this question, and also of those upon which Nicaragua is willing to treat, would be more acceptable and useful to our Government than all my speculations upon the subject; and if it be asked why I do not furnish the information?— I have already answered the question—I have not been able to obtain it. In the absence of any thing definite and positive on the subject I have given the most reliable intelligence I could gather; and I think it will be found, not very far from the true state of the case.—

Appended hereto, is the Memorandum of a Conversation held with Mr. Zeledon on the day I demanded my Passport—the 5th May 1859.[1]

I have the honor [etc.].

1507

General Máximo Jerez, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [2]

[TRANSLATION]

WASHINGTON, *May 30, 1859.*

SIR: The undersigned has had the honor of receiving your Excellency's note of the 26th instant,[3] in which you are pleased to communicate to him that His Excellency, the President of the United States, under the good desire of seeing a settlement of the difficulties between this Republic and that of Nicaragua and of giving to the latter a proof of the friendly sentiments of this country, is disposed to submit to the Senate the treaty concluded on the 16th of March last, which has already received the ratification of the Congress of Nicaragua, and of exerting his own favorable action to the end that it may be ratified by your senate also, provided the last branch of Article 16th be stricken out, namely that which stipulates that the United States shall employ all legal means and reasonable vigilance for preventing the organization of expeditions, hostile to Nicaragua, within the limits of their territory.

Whilst the Undersigned appreciates, at its full value, the laudable sentiments, which animate His Excellency, the President of the United States, it is a subject of regret with him that the provision referred to, and to which Nicaragua is one of the stipulating parties should have been characterized as an offensive one, in the respectable and enlightened judgment of His Excellency, the President. Still the Undersigned is gratified to be able to give the assurance, and he flatters himself that His Excellency will be impressed by it, that the intentions of the Congress as well as of the government

[1] For his note of this date demanding a passport, see above, this part, doc. 1499. The

of Nicaragua far from implying any, the least, unfriendly spirit, have had no other scope than that of meeting the sound policy and friendly views which this Administration has, on all occasions, exhibited towards the Republic of Nicaragua, which, on its part, has, at all times, given unequivocal proofs of its sympathies for the United States.

In another view, the Undersigned flatters himself with the hope that a short period will witness the auspicious settlement of the important negotiation pending between the two countries; because, although he has not now, nor is it likely that he will have, any instructions on this subject, he feels no hesitation in here expressing his private judgment that, the authorities of Nicaragua, so soon as they will have been informed of those incidents, will take pleasure in removing the obstacle now in the way and achieving the great object of securing, by treaties, the friendly relations, which ought always to exist between the United States and Nicaragua.

The Undersigned avails himself of this occasion [etc.].

1508

William Gore Ouseley, Special British Representative to Central America, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica[1]

SAN JOSÉ, COSTA RICA, *June 1, 1859.*

SIR: I had the honour to receive your letter of the 20th ultimo[2] a few days ago, inclosing a copy of a despatch from General Cass, (dated 1st of April in the copy, but referred to as of the 1st of May in your letter), and[3] thank you for the communication.

It is to be regretted that I was not made aware earlier of the misapprehension that existed at Washington on the subject of the Mosquito Convention. I neither enjoined nor wished for secrecy on the subject; and the proposed Treaty having been in the hands of the Government and before the Congress soon after my arrival in Nicaragua, I concluded that you at least were aware of the fact—more especially as an additional article proposed by the Nicaraguan Government in the General Treaty refers to the Mosquito Question as being under consideration separately.

I am sorry that you were not made aware of these facts.

Regretting not to have had the pleasure of again meeting you before your departure for the United States, which, I am informed, is immediate,

I have the honour [etc.].

[1] Despatches, Nicaragua & Costa Rica (Central America), vol. 4, enclosed with Lamar

General Máximo Jerez, Nicaraguan Minister to the United States, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

NEW YORK, *June 6, 1859.*

SIR: The Undersigned has the honor of addressing this note to you to inform you that one of the objects of his mission being to enter into arrangements conducive to the opening of the transit through the Nicaraguan isthmus; and having this object in view as well as that of putting an end to whatsoever questions there might be existing between his government and the company called the "Atlantic and Pacific Ship Canal Company", that he has this day concluded a negotiation with said company, final on its part as final also on the part of Nicaragua; if it should secure the ratification of the authorities of that Republic, which the undersigned will endeavor to procure as soon as possible.

It does not seem to the Undersigned to be foreign to the subject to state that, in said arrangement, care has been taken to insert a clause providing that, in no event shall any obstacle be thrown in the way of the transit of the mails of the United States across the Isthmus of Nicaragua by any individuals charged with their transportation.

The undersigned has the honor [etc.].

1510

Salvador González, Chief of Section, Ministry of Foreign Affairs of Costa Rica, to Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica [2]

[TRANSLATION]

SAN JOSÉ, *June 14, 1859.*

SIR: The undersigned Chief of Section, on account of the illness of the Minister of Foreign Relations, has received an order to answer the kind farewell letter of Your Excellency, dated at the Realejo on the 20th of May last.[3]

Your Excellency indicates the reason why your Government has seen fit to recall you and terminate the mission which it had entrusted to you near the Governments of Nicaragua and Costa Rica, at the same time announcing that Your Excellency has been instructed to advise that of Costa Rica, as

[1] Notes from Central America, vol. 3. Received June 9.

[2] Despatches, Nicaragua & Costa Rica (Central America), vol. 4, enclosed with Lamar to

you have done, that any communication which it may desire to make to that of the United States should be sent through the intermediary of our Minister in Washington.

The Government of the undersigned takes this occasion to state that it regrets the causes which have led to the decision of the Government of the United States to retire you; but that it hopes that they will be removed by the gentlest, most persuasive and reasonable means, as called for on the one hand by the interest of both countries and as promised, on the other, by the conciliatory and humanitarian sentiment of that which at present governs the destinities of the powerful Republic of the North.

It is also a propitious occasion to advise Your Excellency that the Government of this Republic hopes that His Excellency Mr. Lamar will carry to his country a pleasant memory of Costa Rica, and that although he is retiring from the knowledge and conduct of the affairs which had been entrusted to him, he will not for that reason cease to use his influence in all that contributes to strengthen the friendship and good relations between the United States and this Republic.

Please accept [etc.].

1511

Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACT]

No. 11 GUATEMALA CITY, *July 22, 1859.*

SIR: In my despatch N° 10,[2] I hastily alluded to a proposition on the part of several citizens in portions of the U. States, to colonize the free Africans of different States of the Union, in parts of the Republic of Guatemala. I have now the pleasure of stating, that I am authoritatively assured that this proposition, has been rejected, and that no kindred movement can meet with favor from this Government: an increase in the population is desired, and immigration would be heartily welcomed; but not the description of immigration proposed. The Government desire an increase in the white population, and would be well disposed towards such as might come with the capacity and intention of aiding in the developement of the resources of the country.

I have not been advised, that any change has occurred in the Foreign policy of the U. States, as specially in reference to Central American Affairs,

30th day of April last, Mr Charles Lennox Wyke, Charge d'Affaires for H. B. M. to the Central American Republics, left Guatemala on leave for London, and on the day of his departure, concluded a Treaty with this Government of which, the following is a synopsis. The preamble sets forth in substance, that the boundaries between H. B. M. settlement and possessions, in the Bay of Honduras, and the Territories of the Republic of Guatemala, have not been ascertained and marked out, and that the two powers, being anxious to define the boundaries aforesaid, and for other reasons, have named their Plenipotentiaries &c &c.

Art. 1st Stipulates in substance, that the boundary between this Republic, and the British settlement and possessions in the Bay of Honduras, as they existed, previous to the 1st January 1850. and have continued to exist up to the present time, were and are as follows:— Beginning at the mouth of the River Sarstoon in the Bay of Honduras, and thence in the mid-channel thereof to Gracias à Dios falls, then turning to the right and continuing by a line drawn direct from Gracias à Dios falls to Garbutt's falls on the River Belize, and from Garbutt's falls due north until it strikes the Mexican frontier: it further provides, that it is agreed upon by the high contracting parties, that all the territory to the North and East, of the line of boundary above described, *belongs* to H. B. Majesty, and that all the territory to the south and west of the same, belongs to the Republic of Guatemala.

Art. 2d Provides for the appointment of commissioners to designate and mark out the boundary described in the preceding article, to ascertain the Latitude and Longitude of Gracias à Dios falls, & of Garbutt's falls, and cause the line of boundary, between Garbutt's falls, and the Mexican territory to be opened and marked out.

Art. 3d Contains stipulations in regard to the place, where the above named commissioners, are to meet, requires a declaration of impartiality in the discharge of their duties, and in what manner an umpire, is to be selected, in case of disagreement &c &c.

In the close of this article, both parties agree, to hold and consider the decision of the two Commissioners conjointly, or the arbitrator or umpire, as final and conclusive in future.

Art. 4th Directs that the above mentioned commissioners, shall each make a report to the two Governments, sealed and signed, by both accompanied by Maps &c &c.

Art. 5th Authorizes the commissioners to appoint Surveyors and other persons necessary to the business confided to them.

Art. 6th Establishes the freedom of navigation of both parties, of the mid channel of the water line boundary, between the two countries and provides that the Islands found in the rivers, shall belong to that party on whose side

efforts and employ their means to obtain, the objects expressed in the preamble of the Convention, for establishing the easiest communication between the most eligible situation on the Atlantic Coast, near the settlement of Belize, and the City of Guatemala, either by means of a Cart road, or by employing the rivers or both, for the improvement of the commerce, and the material prosperity of England and this Republic.

Art. 8th Refers to the ratification of this Convention &c &c.

At the time that this treaty was being discussed, I was confined by indisposition, and did not understand that such a treaty, was even contemplated, until sometime thereafter when I saw a statement in the public prints, to the effect, that Guatemala and Great Britain, had agreed upon the boundary between the Belize settlement, and the Republic. In an interview with the Secretary of Foreign Affairs, Dn Pedro de Aycinena, which I obtained as soon as the condition of my health would permit, I stated to him, that I had understood, a treaty defining the boundary between the Republic of Guatemala, and the territory known as the Belize settlement, which had long been in the occupancy of British subjects for specific purposes, had been agreed upon by the two Governments, in reply to which he said, that such was the fact, that for a series of years British subjects in Belize, had been extending their occupancy greatly beyond the limits of the original grant, that Guatemala had long been anxious to have the boundary well established & defined, and thus avoid further encroachments, and that though in the treaty agreed upon, she had made concession of a large tract of country outside of the original boundary, it had been deemed most wise, in consideration of the weakness of Guatemala, and the power of Great Britain, thus to put a stop to the perpetual encroachments of English subjects upon Guatemalian soil and sovereignty, by an amicable arrangement and adjustment of boundary, and that in drafting the Treaty, he had been governed by the Treaty of 1850. between the U. States and Great Britain, known as the Clayton and Bulwer treaty. This interview took place at a breakfast of a Bishop, who had just been consecrated, and in deference to the occasion, I allowed the conversation to cease at this point. On the ensuing day, I met the Secretary at his Office, and expressed a desire to see the Treaty, which he showed me. I stated to him, that I had not been enabled in the conversation that passed between us the day before, to determine by what construction of the Clayton & Bulwer treaty, he had been influenced, that the British Government, had thought proper, to place one construction on that treaty, whilst the Government of the United States gave it another, and very different construction, which is manifestly the only one, of which the instrument is susceptible. I then explained to him, the difference in the two constructions, and also explained to him, the Monroe Doctrine, as it is under-

placed in his hands the American Statement of the Central American questions, prepared by the President when American Minister to England, and the British Statement, prepared by Lord Clarendon, for his perusal, by which he expressed himself greatly obliged. He stated that the Treaty, had been ratified by his Government; but expressed some apprehension that the article which provides for the opening a cart road &c &c would not meet with favor in the British Cabinet. The Secretary furnished me with a copy of the treaty; but expressed a doubt, as to the propriety of publishing the entire instrument whilst negotiations were in their present attitude. I stated to him, that I would be content with forwarding to you a synopsis of the Convention, and here the interview closed.

By a reference to Baily's map and that attached to the Documents relative to Central American affairs, published by direction of the House of Representatives of the US. 1856, and by comparing the boundary agreed upon, in the recent convention, with the boundary beginning at the mouth of the Siboon River, the territory acquired by the recent treaty, is much larger, than that contained under the Spanish Treaties of 1783 and 1786, covering a distance of 120 miles, on the Bay of Honduras.

I feel persuaded that no treaty so palpably violative of the American construction of the Clayton & Bulwer treaty, and of the oft repeated policy of the U. States, in reference to Central America, could have been proposed by Great Britain, in absence of any different understanding between the two Governments, since 1855; but as no information of any such understanding, has been communicated to me, I have felt it my duty to forward the foregoing without delay.[1] . . .

With great respect.

1512

Mirabeau B. Lamar, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [2]

WASHINGTON, *August 11, 1859.*

SIR: I enclose a letter from Sir Wm. Gore Ouseley to me of the 1st of June last,[3] in answer to one which I addressed to him under date the 20th of May,[4] accompanied by a copy of the instructions from the Department No. 22 of the 1st of April.[5]

I also transmit a communication of the 14th of June last,[6] addressed to

Republic announcing the termination of my mission.

As this is probably the last note I shall address to the Department in my official capacity as Foreign Minister, I avail myself of the occasion to express my sincere gratitude to the Administration for the honor it conferred upon me; and at the same time to offer an apology for the careless, unbusiness-like manner in which my correspondence has been conducted. I find on looking over my Despatches that they are not written with that gravity and circumspection, which properly belong to official communications. This defect is owing, in part, to the little time allowed for their preparation, between the arrival and departure of the Mail Steamer. Hurried, however, as I usually was, I might have rendered them a little less exceptionable in these respects, had the importance of doing so been present to my mind. Solely intent upon the great objects of my mission, and keeping my Government apprised of all that was transpiring, I quite forgot the fact, that a decent regard to style and propriety of expression was not only due to myself and the position I occupied, but still more to [the?] Government I represented. I hope, however, that these and other deficiencies have been attoned for, in some degree, by my diligence and zeal.

I have also occasionally animerted [animadverted?] with some harshness upon the character and conduct of individuals. It is my desire, in case it should become necessary to publish any of my Despatches, that the portions alluded to may be omitted—especially as subsequent official and social intercourse with some of the gentlemen spoken of has materially changed my opinion with regard to them.

In one of my last conversations with President Martinez I suggested that it was probable that my government would not be unwilling to have the claims of the Citizens of the United States against the Government of Nicaragua, adjusted by a joint Commission; and that on my return to Washington, I would recommend this course. The subject is accordingly submitted to your consideration.

Very respectfully [etc.].

1513

Luis Molina, Nicaraguan Chargé d'Affaires at Washington, to Lewis Cass, Secretary of State of the United States [2]

[TRANSLATION]

WASHINGTON, *August 30, 1859.*

SIR: By order of Señor Don Pedro Zeledon, Minister of Foreign Relations of Nicaragua, I have the honor to communicate to the honorable General

Lewis Cass, Secretary of State of the United States, that the Congress of that Republic, having met in extraordinary session, in order to reconsider the Treaty of the 16th of March last, and having before it the communication addressed on the 26th of May by the honorable Secretary of State to my predecessor, General Don Máximo Jerez,[1] said Congress with the concurrence of the Executive Power, again ratified, on the 25th of July last, the said Zeledon-Lamar Treaty, omitting at the end of Article XVI, the clause objected to by the Government of the United States; and this determination obtained the exequatur (order that it should be carried into effect) of the Government of Nicaragua on the following day, the 26th of July.

For want of time, the corresponding text has not been transmitted to me. I expect it by the next steamer, with instructions relative thereto; and, meanwhile, it affords me satisfaction to avail myself of the opportunity [etc.].

1514

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [2]

No. 1 PUNTA ARENAS, *September 19, 1859.*

SIR: From Aspinwall, where I arrived on the 13th instant, I reached Punta Arenas, this day, en route to San José. I shall not attempt to describe the surprize, with which, on my landing at Aspinwall, I learned [of?] the late revolution in Costa Rica. Of the events, which resulted in an unforeseen change in the affairs of that country, you will have been informed long before this despatch comes to hand. I found various rumors current, both at Aspinwall and Panama, in relation to the matter and proceeding upon those, I cannot, at present, come to either a safe or easy, conclusion as to the real causes, which induced the overthrow of the late government. Surmises, some of them of the most conflicting, and others of the most absurd character, are rife on this subject. Among those of the latter stamp is a ridiculous opinion here that, anxious to rid himself of the connection with some of his State officers, whose influence he dreaded and which he could not neutralize, President Mora contrived his own expulsion from the Republic, with the intention either of returning, or the expectation of being recalled, to it, after a short period! So flimsy a supposition scarcely deserves a moment's consideration.

the revolutionists, without any participation of President Mora's, the existence of a pre-arranged plan, which was carried into execution on the 14th of August 1859.

According, however, to my view of things, as I have been able to gather from other reports on men's lips, something more serious in its nature, and if even only measurably true, not altogether free from mischief, would seem to lie in the fact that the hand, and some say, the means of Mr Joy and Mr Allpress, influential English gentlemen of San José, are supposed to be traceable in the late revolutionary movement. Of this fact President Mora himself, it is said, seems to have been fully satisfied; whilst from the words of a gentleman of staunchest character, I have the assurance that the exiled President stated to him that the subversion of his government was the result of British machinations, directed against him because *he had refused to recognize the sovereignty of Great Britain over the Mosquito territory!* Such a cause, alleged for the change in the administration of Costa Rica, whether real in itself, or intended by the ex-President to enlist sympathies on his way to the United States, you will be able, better than myself to appreciate. Yet it may wear a character of relative importance, if it be true, as confidently asserted, that Sir William Gore Ouseley, who is represented to me as, at the time, residing at Cartago, some twelve miles from the capital, hastened to it the day after Mora's expulsion and there recognized the provisional government.

This alacrity on the part of Sir William, connected with a supposition that British influence, as is stated imbodied in the person of Mr Joy, a familiar of Sir William's, and a brother-in-law of the present President, set the revolution in motion, through the moneys, by which the Presidential body-guard was bribed, has naturally awakened, in my mind, some doubts as to any expression of popular sentiment's being conveyed through the overthrow of the Mora government.

Mr Charles Lennox Wyke, the newly-appointed British Minister to the States of Central America, with whom I have traveled from Panama to this point, and who, although free in his professions of general good feeling for our country, maintained, on the subject of the revolution, a laudable reserve, through which I, assuredly, made no effort to break, has, I am credibly informed, qualified the recognition of the Provisional government by Sir William as an act of an "outrageous character." What degree of sincerity can fairly attach to Mr Wyke's opinion of Sir William's conduct, I, of course, have no means of ascertaining. In the transition-state in which the political affairs of Costa Rica will will be most likely to be found, when I will have reached my post at San José; I shall consider it my duty maturely to deliberate before I proceed to act. In one respect, the start and the organization

Short of the violence, which hurried on Don Juan R. Mora from power into exile, and of an attempt, in connection with him, to arrest Don Crisante Medina, a banker of this place,—a naturalized American citizen, it would seem, who took refuge in our Consul's house in the capital, I hear of no outrage, even of the slightest kind, committed by the actors in this *coup d'Etat*. In all other respects, I shall wait for further, and, I trust, better, information, until I reach San José.

Aware of the President's anxiety for active operations on the Nicaragua transit-route, I have spared no inquiry that might enable me to report satisfactorily on the subject. I regret to say that the result of those inquiries is not of the most encouraging kind. The chances of travel brought me in contact with a Mr Noguera, a highly intelligent Spanish gentleman, quite recently returned from Nicaragua, where he has large interests in planting and stock. From him I learn, among other things, that, independently of the ruined condition of the bridges, of which the Department has long been apprized, and of the apparent want of means for inland navigation, the rapid filling up of the port at Greytown leaves, for the present, but a slight hope for the opening of the route. He further informs me that, in view of this alarming fact, the people of Greytown held a public meeting to devise means for removing the obstructions of the sand-bars in the port. They voted a sum of twenty thousand dollars for the purpose, which they agreed to pay to Mr Scott. But the appropriation of this money was followed by no substantial benefit. Mr Scott—formerly the agent of the old Transit Company, offered, for the amount above-mentioned, to dredge the port to a depth of twenty feet of water; but, as he would not bind himself to keep it up in that condition, the efforts have been abandoned.

I have met here with Prince de Polignac, one of Mr Belly's partners, or associates, in the Nicaragua transit-contract. He was on his way to Realejo —thence to the seat of government. With him, I had a long conversation, from which I attempted to derive some positive information as to Mr Belly's prospects and means for putting the service on the route. I do not think that there was any disposition on his part, to lead me astray on the question. He spoke admiringly of Mr Belly's great capacities; but, at the same time, I could not but suspect a lurking sense of disappointment, if not of spite, at the ridiculous position, in which his principal stands, in relation to his transit-matters. It astonished me, not a little, to learn from him that, though the Martinez government, on the ground of competition, assigned to him and to Mr de Gammont, the *privileged* contract on the 15th of June last, neither Belly nor Gammont was then in Nicaragua; but that, on the contrary, both of them had previously sailed to avail themselves of the British steamer of that month, and that they were on their way to Europe at the time of the

grant of privilege. This proof of the juggling of the Martinez government, in connection with the "free" transit-route opened to competition, was scarcely needed to confirm my opinions of its total want of good faith and of its unfriendly disposition towards American interests. However this may be, I thought myself justified in inferring, from even the guarded tenor of Prince de Polignac's remarks, that he considers the prospect to be by no means brilliant.

On the night previous to my departure from New York, I had an interview with Mr C. Vanderbilt, during the course of which, and through the devious turns which he gave to his conversation, it seemed to me that I could detect a want of readiness to put service on the route, in the event of Mr Johnson's failing to carry out his contract with the Post Office Department. He alluded vaguely to the insufficiency of the mere contract—pay, without revenue from transit—passengers and freight, as an appliance to keep up the route. He endeavored to procure from me something like an expression of assurance that, in case he landed passengers, for conveyance across the transit-route, the government would protect him and enforce the transportation of passengers, together with the transportation of the mail. As I had no intention of intimating what the government might or might not, do, I answered him as vaguely as he had inquired, that I apprehended that both the extent of his rights and the obligations of the government, would be defined by the terms of his contract, should he make one with the Department.

On the next day, within a couple of hours of my sailing, he read to me a letter, addressed to General Maximo Jerez, in relation to future operations on the route. The letter went on to state that being informed that the Nicaraguan government is willing to make arrangements with any parties for the privilege of conveying passengers, freight and mails, between the ports of San Juan del Sur and San Juan del Norte, he proposes to establish such a line and to pay to the government of Nicaragua one dollar per head for all passengers, over twelve years of age, conveyed across the transit; provided that the government of Nicaragua should give him the right to make a Rail-Road from Virgin Bay to San Juan del Sur, as well as at such points on the river San Juan as may be deemed necessary for the accomplishment of the ends in view. He next proceeds to say that he does not consider this as an exclusive grant, as he is certain that there are no parties, in the United States, that will open the line successfully except himself; and he, therefore, makes a formal proposition to that effect, through General Jerez, to the Nicaraguan government. This letter, accompanied by one of mine to the General, I have just transmitted by the steamer "Guatemala". Should an answer be received from Leon, I shall duly inform the Department

I leave this port to-morrow at 6 o'clock for San Jose.

I have the honor [etc.].

1515

Luis Molina, Nicaraguan Chargé d'Affaires at Washington, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *September 26, 1859.*

SIR: I have received a simple copy of the treaty of the 16th of March last with the ratification of Nicaragua, as it appears in the Decree of which I annex a copy [2]; and, in compliance with the instructions of the Minister of

[1] Notes from Central America, vol. 3. Received September 26.

[2] The following is the text of the enclosure with this note:

[TRANSLATION]

The President of the Republic to its inhabitants:

KNOW YE:

That the Congress has ordained as follows:

The Senate and Chamber of Deputies of the Republic of Nicaragua,

Having newly considered the Treaty of friendship, commerce, and navigation, adjusted in this city on the 16th of March of the present year, between Señor Don Pedro Zeledon, Minister authorized for the purpose by the Executive of this Republic, and General Mirabeau B. Lamar, Minister Resident of the United States *sub sperati* on their part: In view of the despatch addressed, on the 26th of May of this same year, by the Secretary of State of that Confederation, to the Minister of Nicaragua at Washington, in which he states that his Government accepts the said Treaty, provided the final clause of article 16 is omitted in it: The Government of this Republic having accepted on its part and proposed to the Legislative Power this modification,

DECREE:

Article 1. The said Treaty of friendship, commerce, and navigation, consisting of 22 articles, is ratified in each and all of its parts, with the single omission above specified; and the tenor of which treaty is as follows:

(Here the whole Treaty, whose reproduction in this copy appears to be unnecessary; and the Decree continues:)

Article 2. The final clause is omitted, which final clause reads literally:

"The United States bind themselves to use all reasonable vigilance and legal means to prevent the formation within its territories of hostile expeditions destined for the territories of Nicaragua".

Article 3. Whenever the present Treaty shall have obtained a like ratification on the part of the United States, and the exchange stipulated for in article 22 shall have taken place in the city of Washington, it shall be a law of the Republic.

Given in the Hall of Sessions of the Senate Chamber.

MANAGUA, *July 22, 1859.*

HERMENEGILDO ZEPEDA, P.S.
J. MIGUEL CARDENAS, S.
MANUEL REVELO, S. S.

To the Executive Power.
Hall of the Chamber of Deputies.
MANAGUA, *July 25, 1859.*
EUSEBIO FIGUEROA, P. D.
JOSÉ A. MEJIA, D.
BUENAVENTURA SELVA, D.

Therefore let it be carried into effect.

National Palace, MANAGUA, *July 26, 1859.*

of the United States: that if the form of the treaty with the Decree of ratification should give rise to any objection, the Government of Nicaragua will with pleasure lend itself to the modification of it; and, it even intimates that this might be accomplished without delay, if, in the absence of a Minister, it should be thought proper to empower Mr. Ran Runnels, Consul of the United States at San Juan del Sur, a person whose commendable qualities render him very acceptable to Nicaragua.

I profit by this opportunity [etc.].

1516

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 2 SAN JOSÉ, COSTA RICA, *September 29, 1859.*

SIR: After fifty-four miles of most wearisome travel, which from the horrible condition of the road from Punta Arenas to San José, exhausted four whole days, I reached this Capital at 12 o'clock, in the course of the night of the 24th inst— For all the difficulties and fatigues of the route, I did not fail to devote my attention to the one great object of acquiring every safe information, as to the condition of things, attendent on the late change of affairs in the Republic— Costa Rica, to all appearances, has scarcely more than one section in which the evidences of social and political life are to be traced and that lies in the direction of the road from Punta Arenas, through San José, on to Cartago, with side-roads leading to small villages, situated at generally small distances, on both sides of the main highway— This distribution of the way afforded me many an opportunity of conversing with people on the roads and at such places, where the difficulties of muddy and broken roads compelled us to stop— From those carefully-sifted conversations with persons of the working and agricultural conditions of life, I have reaped much to modify some of the impressions which I had received at Aspinwall—Panama—and even Punta Arenas— Wherever my steps could reach—on the road and in the household—I found the people quiet, cheerful and engaged in all the usual pursuits of life— In the course of most cautious inquiries, I found, as might be expected, a diversity of opinion as to the late occurrences; but I found also that the people—so far as I had an opportunity of coming in contact with them, seemed, if they cared at all, to have contentedly sat down under the change— Indeed, several of those, with whom I conversed although evidently leaning to the side of ex President

what is represented as a most abject subserviency of the late Congress, had become perverted into a perfect despotism, not cruel it is said—but one of unmitigated arbitrariness, constituting in his person, a merger of all the coördinate branches of the government.

This state of things was confirmed to me after my arrival in San José, by men of higher intelligence and of ampler means of judgement— It is evident, from what I have so far gathered, that all the tendencies of ex-President Mora seemed to run after the pattern of the Rosas—the Lopezes and other self-constituted dictators—so frequently met with in these Republics—I am told that his private interest, as merchant—miner—and agriculturist, was rapidly becoming the controlling law of the Republic— To this, I, of course, advert upon the mere authority of individual statements; having no means of appreciation of either their falsehood or their truth— The last act, however, which deprived him of power—and, through the action of a *junta*, or board of government, placed it in the hands of D'r Don José Maria Montealegre, as Provisional President—consisted in one of those arbitrary decrees, in Spanish-American Republics and which are not unknown to the archives of the State Department— I derive it from a safe quarter that the extraordinary exertions made by President Mora to assist the Nicaraguans in repelling the invasion of Walker's troops, had absolutely and literally exhausted the treasury of the Republic— After various contrivances to supply deficiences, it would seem that he turned his attention to the alienations of certain extensive tracts, or lots of ground in the immediate environs of the Capital— Those tracts, which are represented to me to have been under a species of "Squatter Sovereignty" right, in the undisturbed possession of their occupants for a century at least, President Mora decided, by a decree of his, to expose to public sale with a view to replenishing the empty coffers of the State— This proposed disposal of lands, so long and uninterruptedly held by a body of toilsome and industrious men—and so held, that very many of the tracts had come down from father to son by devise, or had been conveyed to other parties by deeds of sale—created an intense excitement, among the little communities which it was thus sought to dispossess— It turns out that, to a very large extent among the owners of those lots, was Col. Lorenzo Salazar, an interested party among those, who were to be evicted— Although up to that period, represented to me as a most unscrupulous agent of Mora's, in all respects; yet it seems that when his individual interests were brought in question, he yielded to the solicitations of a quiet stealthely working party which had, for a length of time, sought to shake off the arbitrary authority of President Mora and meekly accepted the bribe, which palsied the action of Mora's Praetoriam cohorts

But—considering Col: Salazar's notorious penury of means, the question arises as to the sources from which he derived the means of suborning the Presidential body-guard— On this subject—though men speak with bated voice, there seems to be but little doubt— This brings up the rumor which reached my ears in Panama and Punta Arenas, to the effect that the purchase-money of the fidelity of Col: Salazar and the ten scores of ragged soldiery, in the barracks that gave power and efficiency to Mora's decrees, had been supplied by two English merchants of this place, men of generally admitted character for standing and influence in San José— One of these, Mr. Allpress, at a social reunion night before last, took special care to impress me with the idea, that the ascription to him of any intervention in the matter, is altogether groundless and false— Yet the fact that both of them are among the most substantial men of San José; and the additional fact that Mr. Joy's sister married to Don José Maria Montealegre—the present provisional President—give every countenance to the general belief that the means of bribery—were supplied by them—if not by the Montealegres, who are also monied men, to buy up the fidelity and patriotism of the soldiery of the barracks.

Whatever may have been the causes which gave existence to the state of things, I found, on my arrival at San José, on the whole the population quietly engaged in the ordinary avocations of life, with every evidence of quiet industry and security, which marks regularly organized communities.

In this juncture of affairs, I will not attempt to conceal from you—Mr. Secretary of State—that the three days, which followed my arrival in San José were days of anxious thought and of ever-instant solicitude.

Keeping in view the main object of my mission; fully impressed with the knowledge that the administration is determined that the unsettled matters, between our government and that of Costa Rica, shall be settled in a manner honorable to our country and equitable to those of our citizens, interested in claims against this Republic; I could not but ask myself what would be my best course to be pursued in carrying out the determinations of my government and vindicating the rights of wronged citizens— That best course, I found in the recognition of even a provisional government; by the official note of the 28th instant—herewith annexed, and requesting an audience of the President for the presentation of my credentials—An act, which took place this day Sept 29th at 12 o'clock—M. in the hall of Congress, in presence of the members of the Cabinet and of the other functionaries of the

what I have hitherto seen that the voice of the people which will have spoken through the Elections now going on & to be closed on the 2d of October proximo will ratify the change in the return of a Constituent Assembly, whose opinions, I have reason to believe, will harmonize with the policy of the provisional government—

In addition to this I have the declaration of Mr. Wyke himself, that he would not in the course of his mission visit Costa Rica until the month of February or March next— In the mean time, Sir William, who, I learn from Mr. Synge the Secretary of H. B. M's Legation here, does not intend to leave until November next, would have had full sway here unless I had recognized the government by the presentation of the credentials of which I was the bearer from the President of the United States—

With this I have the honor to enclose to you the copy of the few words which I addressed to the Provisional President accompanied by the remarks, which he was pleased to make in answer— The hour for closing the Mail has arrived and it compels me to close this communication; yet it does not leave me without the hope that the President of the United States will have been pleased to consider that I have acted in the premises with an earnest desire to initiate my mission with an eye single to the honor and interest of the country— It is proper before I conclude that I should state to you, that a condition of my presentation was that the implied recognition of the governments by the delivery of my credentials should be subject to the future approval of my government— This fact appears in the body of a private note, which I addressed to the Minister of Relations in order to consult circumstances and spare the feelings of an administration, that have acceded to power under peculiar circumstances.

I have the honor [etc.].

1517

Luis Molina, Nicaraguan Chargé d'Affaires at Washington, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *October 1, 1859.*

SIR: I find myself obliged to draw aside the engaged attention of the Honorable General Cass, Secretary of State of the United States on account, of the announcement, annexed, cut from the "New York Herald",[2] in which periodical it has been published at different times since the 5th of the last month.

establish a line of transit between New York, and San Francisco, in California, by way of Nicaragua; it styles itself, sole carrier of the mails of the United States, and in opposition to every monopoly: it gives notice that it will despatch to San Juan del Norte, its first Steamer, "Keystone", on Wednesday the 5th October next; and gives assurance that the Isthmus has been put in perfect condition for the transport of freight and passengers with convenience, safety and despatch, having made additions of several river and lake steamers, built expressly for the service of the said line.

A company, like that which announces itself, cannot lawfully exist without the consent of the local Sovereign. Nicaragua is the Sovereign, recognized by the United States and other principal Maritime Powers of the Ports, waters, and Territory which the Company proposes to traverse from ocean to ocean, and I can, and must, with full certainty, assure the Honorable Secretary of State, that Nicaragua has not granted to the Company mentioned, the requisite authorization.

The opposition to all monopoly, which is announced, induces me to believe that, perhaps this pretends to be an enterprize in conformity with the Decree made 30 May last by the Government of Nicaragua, declaring the transit free—But this freedom, in fulfilment of a duty and in the exercise of an unquestionable right, has been regulated in the same Decree, according to which, those only can transport passengers and merchandize who apply for and obtain authority from the Government, and bind themselves to comply with the conditions specified in that authorization. I am quite assured that the Company mentioned has not submitted itself to the conditions indicated, nor obtained the requisite patent or licence. If this company holds the United States Mail Contract, it may pretend, under its shelter, to carry passengers and merchandize—But such pretension cannot be sustained and if it came to a head, will involve a flagrant violation of the 15th article of the Zeledon-Lamar Treaty, lately ratified by Nicaragua, in conformity with the views of the United States.

In fine, Nicaragua does not recognize even a shadow of right, by any title, in the said Company, to carry passengers or merchandize, in transit, through its territory, and it is my duty to present this to the Honorable Secretary of State in a formal manner, after having several times, assured him of it verbally, in order that the Government of the United States may deign to take such precautions as it may deem needful that its name, and the respectability which the mail contract gives to the contractors, may not be abused, nor permit that there shall be wittingly committed by Citizens of the United States, transgression which can only lead to complications of the relations between the two countries.

assurances, that it has made on the Isthmus, the necessary preparations to transport with safety, convenience and despatch both passengers and freight, because according to the latest advices which I have from Nicaragua, reaching to the end of August, there was no Material, nor were they preparing the necessary works, either at the ports, or, on the river, or at the lake, or on the land route; so that it is difficult to believe that the Company may be able to transport the Mail wholly & solely, and there are too many reasons for the conviction that it will not be in its power to fulfil lawfully and substantially, the promise it has made to carry passengers and freight.

The only measure taken by the Company with respect to the Government of Nicaragua, of which I have advice, is a petition that the Steamer "Scottish Chief" may be allowed to ascend the River & Lake, which was definitively rejected by the Government, on account of the information, which I had the honor at the time to communicate verbally to the Honorable General Cass, that such Steamboat was in the service of the Filibuster leaders, the indefatigable enemies of Central America; and they in connection with the amalgamated embryos of the companies, of the mail service, and of Wallace & Van Dyke.

Very lately my attention has been called afresh to the plan indicated, and to the fact that in proportion as the day announced for the departure of the "Keystone" approaches, there are gathering in New York, considerable numbers of the most notorious filibusters, who boast of being about to effect a new invasion of Nicaragua in despite of any precautionary measures on part of the Government of the United States. I trust it will not omit to prevent the realization of this scheme, which would be as prejudicial to the good name of this Republic, as to the tranquillity of Central America, and I purpose to fulfill the obligation of faithful friendship in presenting this denunciation, for what it may in itself avail.

Moreover, even disregarding the filibuster plot, I judge it to be necessary to the acquittal of my conscience, as much on account of what is doing against Nicaragua, as to the Public of this country, to contradict the annexed announcement as well in respect of Law as of Fact, in order to avoid unpleasant complications, and to keep myself freed from the accusation of having knowingly tolerated a deception which may bring heavy damages upon many innocent parties; and desirous to harmonize the dictates of my conscience with those of my position I can do no less than suggest the fitness of making known to the Public through the Press the true aspect of the affair.

This communication has been prepared for some days, but noticing a suspension of the advertisement, I conceived the hope that the enterprize would fall through by its own weight, and free me from the necessity of importuning the Honorable Secretary of State. To do this

of earlier advices in respect to the bad condition of the transit by the last news from Nicaragua through two trustworthy persons, who came down the River San Juan, in bongos about the middle of September, and arrived at New York by the "Northern Light", and give assurance that no preparations were making for the Transit-service.

I must not finish without expressing the thorough conviction and the hope that these affairs, entangled as they may appear at present, will ere long be satisfactorily regulated, either by a free system suitably remodelled, and throwing aside the Companies, and their reclamations, which have so long hindered the opening of the transit; or, by granting the privilege to parties who can combine the resources necessary to the fulfillment of their agreements and the carrying on of the undertaking.

Nicaragua and the United States, have in this matter, the same interests and wishes, and the Government of that Republic is disposed to adopt the means most adequate to satisfy them fully.

The Honorable General Cass will deign to accept the assurances of my respectful consideration.

1518

Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras, to Pedro de Aycinena, Minister of Foreign Affairs of Guatemala [1]

No. 3 GUATEMALA CITY, *October 1, 1859.*

SIR: The undersigned Minister resident of the United States of America, near the Republics of Guatemala and Honduras, for considerations which may be apparent, has delayed until the present time the presentation of the following statement and protest, which he respectfully requests may be furnished to the Legislative, Executive and Judicial Departments of the Government of Guatemala, and filed and preserved in the archives of your department. For a long series of years, embracing the period of the existence of the Central American Confederation, and since the dissolution of that Confederation and the erection of its component parts into distinct and independent sovereignties, indeed from the date of Central American independence from the Spanish yoke in 1821, complaints have continually gone forth of British encroachments upon their respective sovereignties and territories, and of British interference in the governmental and internal affairs of these States. Such was the existing state of affairs when the treaty of 5th April 1850, commonly known as the Clayton and Bulwer treaty, was

[1] Despatches, Guatemala, vol. 3, enclosure No. 3 with Clarke to the Secretary of State.

solemnly agreed upon and formally proclaimed by and between the Governments of Great Britain and the United States of America. It is unnecessary in this place to allude to all the motives which induced the United States to become a party to this treaty or to dwell at length upon any; suffice it to say, that a free, safe, and uninterrupted transit across the territory of Central America from Ocean to Ocean was one inducement: the abandonment and discontinuance of British possession, British occupancy, British fortifications and British protectorates on, of and over each and every part of Central America, by which the commerce of the United States in our neighboring seas would be secure from British interference and depredations was another: and the placing of the Central American Republics, and every part thereof, outside of and beyond British control and influence, leaving these Republics in the full and uninterrupted enjoyment of their entire boundaries and dominions, with perfect freedom to establish their own internal lines of partition, and to regulate their internal affairs in such manner as to them might seem best calculated to secure their interests, promote their happiness, and perpetuate their liberties, was another. It is believed and insisted that all these objects, so desirable in themselves and promotive, not only of the interests of the United States, but of the best hopes and prospects of Central America, have been amply and fully accomplished by the first article of the convention already alluded to: that article is in the following words:—"Art 1º The Governments of the United States and Great Britain hereby declare, that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal: agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa-Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa-Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same: nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connexion, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered on the same terms to the citizens or subjects of the other."

No. 1 WASHINGTON, *June 29, 1850.*

In proceeding to the exchange of the ratifications of the convention signed at Washington on the 19th of April 1850, between her Britannic Majesty and the United States of America, relative to the establishment of a communication by ship-canal between the Atlantic and Pacific Oceans, the undersigned, her Britannic Majesty's plenipotentiary, has received her Majesty's instructions to declare that her Majesty does not understand the engagements of that convention to apply to her Majesty's settlement at Honduras, or to its dependencies. Her Majesty's ratification of the said convention is exchanged under the explicit declaration above mentioned.

H. L. BULWER.

John M. Clayton, Secretary of State of the United States, to Sir Henry Lytton Bulwer

No. 2 WASHINGTON, *July 4, 1850.*

SIR: I have received the declaration you were instructed by your Government to make to me respecting Honduras and its dependencies, a copy of which is hereto subjoined.

The language of the first article of the convention concluded on the 19th day of April last between the United Stats and Great Britain, describing the country not to be occupied &c., by either of the parties, was, as you know, twice approved by your government; and it was neither understood by them, nor by either of us (the negotiators) to include the British settlement in Honduras (commonly called British Honduras, as distinct from the state of Honduras) nor the small islands in the neighborhood of that settlement which may be known as its dependencies. To that settlement and these islands the treaty we negotiated was not intended by either of us to apply. The title to them it is now, and has been my intention throughout the whole negotiation, to leave as the treaty leaves it, without denying, affirming, or in any way meddling with the same, just as it stood previously. The Chairman of the Committee on Foreign Relations of the Senate, the Honorable William R. King, informs me that "the Senate perfectly understood that the treaty did not include British Honduras." It was understood to apply to, and does include all the Central American States of Guatemala, Honduras, San Salvador, Nicaragua and Costa Rica, with their just limits and proper dependencies.

The difficulty that now arises seems to spring from the use, in our convention, of the term "Central America," which we adopted because Viscount Palmerston had assented to it and used it as the proper term, we naturally supposing that, on this account, it would be satisfactory to your government; but if your government now intend to delay the exchange of ratifications until we shall have fixed the precise limits of Central America, we must defer further action until we have further information on both sides to which, at present, we have no means of resort, and which it is certain we could not obtain before the term fixed for exchanging the ratifications would expire. It is not to be imagined that such is the object of your government, for not only would this course delay, but absolutely defeat the convention.

Of course, no alteration could be made in the convention as it now stands, without referring the same to the Senate: and I do not understand you as having authority to propose any alteration. But on some future occasion, a conventional article, clearly statlng what are the limits of Central America, might become advisable.

There is another matter, still more important, which the stipulations of the convention direct that we shall settle, but which you have no instructions now to determine; and I desire you to invlte the attention of your government to it.—"The distance from the two ends of the canal" within which "vessels of the United States or Great Britain, traversing the said canal, shall in case of war between the contracting parties, be exempted from blockade, detention or capture by either of the belligerents." The subject is one of deep interest, and I shall be happy to receive the views of your government in regard to it, as soon as it may be convenient for them to decide upon it.

I renew to you, Sir, [etc.].

an exception to the general operation of the provisions of said first section, and with proper limitations this position is plausible; but when the manifest and understood objects to be accomplished by this treaty are considered, it must surely be apparent to every understanding that that exception could not be insisted upon farther [1] to allow British subjects to continue in the possession of Belize *proper* and enjoy the privileges designated and defined in the Spanish treaties of 1783 and 1786.

To what Belize did Sir Henry Bulwer allude in his already copied note to Mr Clayton? Most certainly to that Belize *publicly* known as Belize and limited and defined by these Spanish treaties and none other.[2] To what Belize could Mr Clayton have supposed his attention invited? Surely not Belize as the Republic of Guatemala and Great Britain in secret conference and acting under unknown influence have though[t] proper to define it in 1859, but Belize occupied by Great Britain as a tenant at sufferance of the Spanish crown for limited and specific purposes with a boundary clearly and fully defined by the Spanish treaties already alluded to. If this view be well taken then the country lying between the rivers Sibun and Sarstoon does not come within the exception contained in the notes of the negotiators, giving these notes the benefit of the most liberal construction and interpretation in favor of the British Government; but, on the contrary, fall directly within the provisions of the first section of the Clayton and Bulwer treaty. In this dilemma and to give extension to the defined limits of Belize the aid of Guatemala is invoked; and Guatemala, in her late surrender of her territory, has volunteered her confession to establish occupancy and possession up to 1850, and title in Great Britain to the whole country between those two rivers; thus aiding in her own dismemberment. It will not be sufficient to rely upon this recent confession of Guatemala contained in her late treaty with Great Britain of April 30th 1859 as proof of British occupancy and British ownership of the country in question. This can avail nothing: Guatemala proves too much, and stands directly opposed not only to every act and declaration of her entire history, but to the notorious fact that within the boundary she confesses are immense tracts of country which Great Britain never had nor ever did possess, own and occupy up to and before April 30th 1859, but, on the contrary, there are extensive regions between the Sibun and Sarstoon extending inland to Gracias a Dios Falls, which have never been explored and as late as 1824 Indians in a wild and savage state were roaming through these forests; besides, this confession comes in such a questionable shape, I must be permitted to say, that when the oft-repeated remonstrances, protests and complaints of Guatemala up

[1] The word "than" must, apparently, have been omitted here in making the copy of this note which accompanied, and is filed with Clarke's [illegible]

from the American representative at this Court are remembered, it must be allowed that upon every principle which regulates the admissibility and determines the weight of testimony, it would be weighed with great caution, if not with suspicion. It cannot be contended that the obtention of such confessions by Great Britain establishing the boundary of Belize on the line of Salvador and thus incorporating the whole of Guatemala would bring this vast region within the exception and constitute it a part of "Her Majesty's settlement in Honduras, or its dependencies"; yet no difference can be conceived in the two cases. It is understood that Great Britain sets up a pretence of ownership and occupancy of the disputed territory by conquest. If it be contended that the country between the Sibun and Sarstoon belongs to Great Britain by right of conquest upon the ground that the treaty of 1786 was terminated by a subsequent state of war with Spain, and that during that war the boundaries of the British settlement in question were enlarged, and that the subsequent treaty of peace not having revived the treaties of 1783 and 1786, Great Britain is entitled to retain this territory, the reply is, if this took place, after the date of the treaty of alliance between Great Britain and Spain in 1809, which terminated the war, then this argument is without foundation or support. If before 1809; Great Britain when concluding this treaty ought to have informed Spain that she intended to convert the encroachments of the settlers in Belize on the Spanish territory into an absolute right; that she did not then intend to pursue such a course towards an ally in distress is clear from her subsequent conduct. In 1814 Great Britain revived all her pre-existing commercial treaties with Spain; and what is the privilege granted to her by the treaty of 1786 of cutting mahogany, log-wood and other dye-woods on Spanish territory, thus enabling her to extend British commerce in those articles, but a commercial privilege? So far from the treaty of 1786 being terminated by the war, its continued existence in 1817 and 1819 was recognized by acts of the British Parliament: these declare in so many words that Belize was "not within the territory and dominion of His Majesty," but was "merely a settlement for certain purposes in the possession and under the protection of His Majesty." For the nature of this "settlement" and knowledge of these "certain purposes" we can refer nowhere except to the treaties of 1783 and 1786. Great Britain conscious of the weakness of her claim to the Sarstoon, based upon the notes which passed between the negotiators, and her pretended conquest of the country, attempts to fortify her position by denying that any portion of the country lying on the Gulf of Honduras and North of the river Sarstoon ever composed a part of Central America; unfortunately for this position the already quoted note of Sir Henry Bulwer would seem to admit the reverse:

geographical structure of the country furnish, the understood and uninterrupted current of this country's history stand opposed. By the united and concurrent testimony then and now of every Republic which now constitutes Central America, they, by their successful revolution of 1821 succeeded to all the rights of sovereignty and dominion which appertained or belonged to the Spanish Crown at the time over the entire country known as the ancient kingdom of Guatemala. By the first section of the "Constitution of the Central American Confederation" of the 22nd November 1824 the Government is styled the "Federal Republic of Central America"; and the 2nd section and 5th article of that constitution declares that the territory of the Republic is the same before comprised in the ancient kingdom of Guatemala, with the exception of the province of Chiapas for the present. Art 6: of the same instrument declares that the federation is at present composed of the five States viz:—Costa Rica, Nicaragua, Honduras, Salvador and Guatemala; the province of Chiapas shall be considered as a state in the federation when she freely joins it.

At this day and hour Mexico holds Chiapas, a province forcibly annexed to her at the fall of Iturbide, and Soconusco annexed by Sante Anna thereafter under protest of Guatemala; the latter claiming that it is a part of the ancient kingdom to which she succeeded by successful revolution, and within her legitimate limits as one of the sovereign States of Central America. More than this; not only did the Central American Confederation maintain that the ancient kingdom of Guatemala was within the limits of Central America, but that the right of dominion and sovereignty over this entire boundary including the country north of the Sibun and known as Belize, belong to them; and Guatemala since the separation of the States which composed that Confederation has never ceased to assert and maintain that that sovereignty and ownership north of the Sibun did of right belong to her. As far back as 1832 C. Doctor Mariano Galvez in his atlas of Guatemala and its then Departmental Divisions, published by authority of the Chief of the State, embraces within the limits of the Department of Verapaz this entire country, passing beyond and North of the river Hondo. It is deemed needless to adduce proof and multiply arguments in refutation of the proposition that the country between the Sibun and Sarstoon was not within the limits of Central America; if anything to support a fact so universally notorious as the opposite of that proposition could be required, the large experience and familiar acquaintance of Your Excellency with Central America, its History and Affairs could no doubt furnish an ample supply. If the foregoing views and arguments, which could be greatly enlarged, but deemed sufficient for the occasion, are sound and well taken: it then follows

it was known that all assistance rendered in promoting the complication of questions which now engage the serious attention of the Cabinets of two powerful sister nations with which Guatemala is on terms of peace and friendship, may greatly disturb and endanger the existence of the friendly relations between these two powers: yet under all these circumstances the late treaty of April 30th 1859 between the Republic of Guatemala and Great Britain is made and ratified by the former, and the existence of pending negotiations kept and concealed from the American Representative in Guatemala until the ratification of the treaty and the notice of its existence are published in the Guatemala Gazette.

Thus deprived of a privilege which the undersigned claims, is recognized and acknowledged not only by the etiquette and courtesies which belong to and regulate diplomatic intercourse, but by the friendship, goodwill and impartiality which are supposed to exist in favor of a friendly power when her rights and interests are involved, nothing remains for him but to enter and publish this his solemn protest, as follows:—

I, Beverly L. Clarke, Resident Minister of the United States of America near the Republics of Guatemala and Honduras, for and in the name of the said Government of the United States of America, do now and hereby make, enter and publish this my solemn protest 1º against the treaty of April 30th 1859 between the Republic of Guatemala and the Government of Great Britain, as a clear and palpable violation of the letter, spirit, and provisions of the treaty between Great Britain and the United States of America dated July 5th 1850, and commonly known as the Clayton and Bulwer treaty. 2º against the conduct of the Government of Guatemala, in cautiously withholding and concealing from the American Representative, then resident at this Court and this Capital, all knowledge of the pendency of negotiations vitally affecting the interests and policy of his Government, thereby depriving him of the right and privilege of defending those rights, and maintaining that policy, as violative of the established courtesies which belong to and exist in diplomatic intercourse, and in disregard of the claims of the United States to that impartiality which is supposed to exist in favor of a friendly power when the rights and interests of that power are involved; and 3º against the confession of the Government of Guatemala to the occupancy and title of Great Britain of and to the country designated in said treaty of April 30th 1859, as being opposed to the whole history of the Central American Confederation, and equally opposed to the entire history of Guatemala up to the date of said treaty. I avail myself of this occasion [etc.].

Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras, to Santos Guardiola, President of Honduras [1]

No. 4 GUATEMALA CITY, *October 1, 1859.*

SIR: The undersigned minister resident of the United States of America, near the Republics of Honduras and Gautemala, believes that with the astonishment which the character of that convention is calculated to arouse in every patriotic breast, you have no doubt read the late Treaty between Great Britain & the Republic of Gautemala, of April 30th, 1859. The negociation of this Treaty was conducted with the utmost secrecy, and though the rights and interests of the United States of America were vitally involved, the ordinary courticies of Diplomatic intercourse in such cases, were discountenanced, and the American Representative of these rights, and these interests, at this Court, received no intimation that such negociations were pending, untill the Treaty had been ratified by Gautemala, and dispatched to the British Capital.

Heretofore, Great Britain has upon any and every pretext whatever, seized upon the Territory and dominions of the Central American Republics, and without justice, or scruple, appropriated them to her own use; And no State more than Gautemala has loudly and bitterly complained of these oft repeated encroachments & userpations.— Your Excellency will agree with the undersigned, that the policy and conduct of the United States have been wholly different. She has never coveted one foot of Central American soil, or sought to influence or control, except by example, the internal government, or policy, of any Republic within its limits—

Neighbouring sister Republics, identified with our own in a thousand relations, composeing one great family of independent sisterhoods, extending over one great and glorious continent, and mutually engaged in the solution of the great problem, that *Man* is capable of self government, the highest hopes, and strongest asperations, of the United States, have been, and still are, to behold them growing in wealth, power, and national happiness, without molestation or interferance from any quarter. To accomplish these, and other ends, she became a party to the Treaty with Great Britain of the 5th July 1850, commonly known as the Clayton & Bulwer Treaty— The attention of Your Excellency is respectfully invited to a copy of the first Article of that Treaty, which will be found incorporated in a copy of a protest of the undersigned which he has the honor to enclose herewith—[2] By that article, Your Excellency will observe, that both parties agree and bind themselves, that neither will ever occupy, or fortify, or colonize, or assume, or

[1] Despatches, Guatemala, vol. 3, enclosure No. 4 with Clarke to the Secretary of State

Belice to Gautemala, particularly the portion of country now claimed as Belice, & lying between the Sibun and Sarstoon rivers, to restore to Honduras Ruatan, and the other Bay Islands together with all other parts of that Republic, over which she may claim the right of occupancy or protection, and to Nicaragua, and Costa Rica, all that regeon of country over which she has heretofore extended her Mosquito Protectorate—

Gautemala was not ignorant of these facts, she had the Clayton & Bulwer Treaty before her, and certainly knew the construction placed upon that Treaty by the government of the United States. Yet in the face of all these facts Gautemala makes a full and unconditional surrender of the whole country down to the Sarstoon, admits all that she had persistently denied from the time of her successful revolution in 1821, thereby stultifying herself, and to add novelty to her already humiliating condition before the world, is guilty of the Suicidal Act, of volunteering her own testimony, to aid in perpetuating her own dismemberment, and in publishing her own humiliation in every court in Christondem— It is difficult to conceive by what principal or influences Gautemala has been actuated in thus attempting to fortify Great Britain against exceptions taken by the United States— She certainly must know that the Government of the United States has exercised extraordinary diligence in enforcing her neutrality laws, and in preventing the fitting out, & departure, of hostile forces, designed to descend upon parts of Central America, and that conduct marked with so much unkindness, and disrespect, as her recent acts, may greatly endanger the further existance of these neutrality laws and thus leave the Government powerless to prevent such expeditions in future— It is believed that Great Briton has much confidence in the supposed influence which Gautemala can and does exercise over the other Republics of Central America— It is further believed that this late Treaty, is but the inauguration of a policy, intended to extend throughout the five Republics and to the Bay Islands especially, and that this Treaty was made the initiatory, as an example for the imitation of the other republics; and to show with what self sacraficing complacency, Gautemala could surrender her long claimed and rightful Territory, and to add the weight of her supposed influence, in directing and controlling, the policy and destiny of her sister Republics— The undersigned hopes and believes that the boundless extent of her supposed influence, has been greatly magnified, and that neither her supposed influence, or recent surrender, and stultification, will be able to win respect for the former, or imitation of the

latter— During the absence of Mr. Charles Lenox Wyke, (the English negociator of the late Treaty with Gautemala) the undersigned saw the letter of Mr. Hall, British Vice Consul upon the subject of the Carmichael claim against your Government, and your patriotic & spirited reply [1]— Mr. Wyke has again returned to Gautemala in the character of Envoy Extraordinary, and Minister Plenipotentiary to Central America, with full powers I understand, to negociate and settle all pending questions with the different Republics, and will visit your Capital in the ensuing month— It is believed that a Treaty has been already prepared at the Foreign office in London for your signature, and that the Carmichael claim will be used as a weapon of coercion, to force your Government to submission to its provisions— It is also believed that your Government will be called upon, to imitate the example of Gautemala and not only surrender the Bay Islands, to which you are as much entitled, as to your own Comaugua [Comayagua] or Tegucigalpa, but to stultify herself, turn witness, for England, & prove English occupancy, and English title, prior and up to the date of the Clayton & Bulwer Treaty (To Wit, 1850.)

The undersigned trusts he need not assure your Excellency, that no fears are entertained that your Government under any influence pressure or combination of circumstances, can be constrained to occupy a position so humiliating, mortifying, & submissive as Gautemala, but that the spirit & patriotism of Honduras, will meet with becomeing scorn & contempt, the insolent and unjust claims of England, to any portion of the Bay Islands, or other Territory of Honduras; Yet if any member of the Government of Honduras should waver, and so far forget the claims of his country to his patriotism, (an event surely not to be anticipated) as to favor the pretensions of Great Britain: The undersigned in the name of the Government of the United States, asks and expects, that before any act is consumated, involving her rights, interest, or policy, by which the pending Central American questions between the Government of Great Briton, & the United States, may become yet more complicated; the good faith and impartiality of your Excellencies Government will give the United States timely notice, that they may be heard in their own defence. The Government of the United States does not intend that Great Britain or any other European power, shall wrest from Honduras, her title to the Bay Islands; but will insist on their restoration to Honduras, their true & lawful owner—

The undersigned had hoped again to visit your Capital before this, and not only enjoy the delights of a more extended acquaintance, but to have spent a large portion of his time at your Capital— These anticipated pleasures have been refused, by the feeble state of his health for months.

acknowledgment of the receipt of this, with such views as Your Excellency may be pleased to present. Several copies of this are sent to your Excellency by different routs, to avoid contingencies, and that the safe arrival of at least one may be secured. As an additional caution he has placed the impress of the seal of this legation on this sheet, and not on the envelope—

With many wishes for the continuous health & happiness of Your Excellency, the undersigned avails himself of this occasion to renew to Your Excellency [etc.].

1520

Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACTS]

No. 14 GUATEMALA CITY, *October 15, 1859.*

SIR: From the moment I first read the late treaty between Great Britain and Guatemala I have suspected that treaty to be the initiatory of a policy inaugurated by British intrigue, and designed and intended to regulate and control the future conduct and destiny of the Central American States; and subsequent and passing events have but served to strengthen and confirm my first suspicions. You are aware that for many years, and especially since the acquisition of California by the United States, Central America has attracted the watchful vigilance of British Statesmen, who have been alive to the geographical and commercial importance of these States, the advantages to flow from an intimate connexion with, and the extension of British influence and British control over them; hence the tenacity with which they clung to the Belize settlement, the Bay Islands, and their Mosquito protectorate, pending the correspondence between the President, while Minister to England, and Lord Clarendon[2]: for at that time quite the entire commerce of Guatemala was conducted through Belize; and then, as now, much more than one half of all importations were, and are of British produce and manufacture, brought directly from the workshops of England. These commercial advantages already secured to the stronger power, but served to increase its preponderating influence over the weaker; and as a consequence, upon the ruins of its once Republican institutions (always distasteful to English politicians) have been erected (especially in Guatemala) the most compact absolutisms that bow the neck of man to the yoke of a tyrant's will. The advent of Walker into Nicaragua estranged these

1 Despatches, Guatemala, vol. 2. Received during December, but the day is not indicated.

had many friends among the liberals in Guatemala; and, but for the supposed errors in his administrative policy, which seemed to foreshadow a disregard of the rights and security of property, it is asserted by many here, that he would have been hailed as a deliverer, and willingly constituted the political head of this State.

Since Walker's ejection from the country, British emissaries, who increase throughout the land in proportion as British influence extends, have spared no trouble in impressing upon the mind of this Government the belief that, without the aid of England (and they exultingly refer to the capture of Fillibusters near Belize by British officials, and their return to Mobile on an English man-of-war) the United States (however willing they may be) are unable to restrain the fillibustering spirit of the masses, and that protection withdrawn by England from Central America, would leave it the prey of bucaneering swarms of marauding fillibusters, who would descend from the seabord of the United States, seize upon their Governments, lay waste their country, and desecrate their religion, irrespective of the will or wishes of our Government.

The progressive, expanding and absorbing spirit and tendencies of our people, have, no doubt, furnished themes for much representation, conjecture and speculation; and the necessity of continuing and erecting British fortifications and armaments as a fiery wall between the hunted victim and his pursuers, to drive back the Northern wave that threatens to inundate the entire South, has no doubt been eloquently and pathetically impressed, and I believe not without effect. The present Government of Guatemala, composed of persons whose political principles may be better deduced from recent changes in the Organic law of the State, in making which they participated, and which contrive to confer upon the President absolute dictatorial power for life in effect, without the incumberance, restraints and inconvenience of individual or personal responsibility, are not incredulous to these representations, and thus led to distrust the ability, if not the wishes, of the United States, to prevent these invasions in future, and indulging a favoritism, which I believe exists, became willing captives and instruments to British intrigues and designs. In the absence of any treaty of commerce or navigation between Guatemala and Great Britain, the latter has contrived, by her foot-hold upon the soil, to monopolize more than one half the trade, and reap the benefits of more than one half the profits arising from the consumption of the country for a series of years; and now without any apparent necessity for a treaty to accomplish the objects set forth in that of 1859; this treaty, with all the pomp and show of form and consideration, suddenly bursts upon the astonished world, conceeding and surrendering all,

The fact that such negotiations were pending, before the Guatemala Cabinet, was cautiously with-held and concealed from me, until the treaty had been ratified by this Government, and the British negotiator, with the treaty, had left for the English Capital. The protest of three of the council, together with other facts, having reference to this treaty, which you have perhaps seen published in the "New York Herald," are charged here to have been clandestinely delivered or obtained; such was the rigid system of secrecy imposed upon the deliberations of the council upon that treaty. Every fact and declaration in the whole history of Guatemala stand opposed to her admissions; yet the surrender and admissions are obtained. How is all this? where the motive for such humiliating and unconditional surrender? No stronger passion pervades the Spanish character than their love of dominion, manifested by the energy employed in its acquisition, and the reluctance with which it is surrendered; and the example of Guatemala herself furnished by her oft-repeated efforts to regain and reconquer Chiapas and Soconusco, furnish an apt illustration of the Spanish character in Central America in this respect. In wealth, in physical resources, and in the strength and stability of its Government, Guatemala is the most potent state in Central America, and is supposed to exercise a vast influence over all the rest: thus Guatemala became an almost indispensible auxillary in accomplishing the ends of British intrigue and diplomacy: and the inauguration of a policy, by this treaty was, in my opinion, designed to add the weight of Guatemala influence in directing the conduct of the other States. Whether the dangers of a new fillibuster invasion, painted in all the highly wrought colors of devastation and annihilation were sufficient when addressed to her fears, or whether the potent and more persuasive logic of British gold (for she is indebted to England in the sum of $500.000.) won and subdued her to British service, and the abandonment of her inherited opposition to the terms of the late treaty, I know not, but of this I feel persuaded, that Guatemala is in the service of Great Britain in the establishment of a Central American policy at war with the letter and manifest spirit of the Clayton and Bulwer treaty. I believe we have heretofore mistaken our policy with reference to the treatment due these States: Great Britain under any and every pretext seizes on every foot of land upon which an Englishman can stand or a cannon can be planted, and appropriates it with the relentless spirit which characterizes the pursuit of a heartless creditor, when the flight of his absconding debtor is announced. She has pressed every claim to immediate adjustment, and if need be a British man-of-war presents itself at a Central American port, and significantly proclaims the ultimatum. She whips and drives, and yet they love, respect, fear and

respect. I am satisfied the British mode of treatment, at times in part, would prove more successful. In Guatemala they have rarely ever seen an American man-of-war, and entertain but little respect for our naval power: the occasional visit of one to the port of San José might tend to call to their recollection the fact that the United States are also still a living power. In addition to those already suggested, I am induced to suspect a combination and its objects by the following circumstances. The treaty of April last was ratified by this Government on the 30th day of that month, and directly thereupon Mr Charles Lennox Wyke, the English negotiator, and Chargé d'Affaires of her Britannic Majesty to Central America, left the Court of Guatemala with the treaty for London, and though six months were allowed for the exchange of ratifications, an unusually short time, the treaty received the sanction of the British cabinet almost immediately, and was directly dispatched to Mr Hall, British Vice-consul at Guatemala for exchange of ratifications. On the 24th June 1859 Mr Hall addressed the following letter to the Minister of Foreign affairs of Honduras.

William Hall, British Vice-Counsul at Guatemala City, to P. Alvarado, Minister of Foreign Affairs of Honduras

BRITISH LEGATION, GUATEMALA CITY, *June 24, 1859.*

SIR: I have the honor to acquaint you that I have received a note from the Earl of Malmesbury, in which his Lordship, after manifesting his regret for the disappointment of the hopes Mr Wyke had conceived that the Government of Honduras really wished to make good the act of injustice committed against Mr Carmichael, informs me that her B. M's Government will not tolerate such conduct on your part, and will insist on justice being done to that gentleman; that her B. M's Government has treated with lenity that of Honduras, by reason of their weakness and poverty; but that their conduct, in Mr Carmichael's case, has no excuse whatever. Her Majesty's Government will take no other step to have justice done, but will avail themselves of the first opportunity to exact a full reparation for Mr C. by means of a British naval force. Thus I have communicated to you literally his Lordship's expressions, and I beg to add that I hope the Government of Honduras will not delay any longer the reparation due Mr C. for the acts of injustice committed against his property.

I have [etc.].

And on the 24th July 1859 the following reply was made by the Honduras Government.

Comayagua, *July 2, 1859.*

SIR: I have had the honor to receive your note of the 24th June last in which you inform me that you have received another from the Earl of Malmesbury expressing his regret for the disappointment of the hopes Mr Wyke had conceived respecting Mr Carmichael's claim, and his resolution to insist on justice being done to that gentleman; abstaining although from taking any other step with that object, but will avail himself of the first opportunity to exact the reparation he considers due to Mr. Carmichael by means of a British naval force. In communicating me the contents of his Lordship's note you express the hope that my Government will make the reparation you think due to Mr C. for the losses he sustained in his property. Having been informed of all, the President has instructed me to answer you that, in spite of the lively wishes that he entertains to maintain the best understanding and good harmony with H. M. Government, it is impossible for him to accede to the demands of Mr Carmichael, who never has been able to show in a manner reasonably satisfactory the justice he pretends to have. After all that has been said upon this question, during the long time it has been under discussion, it is useless to consider it under a justifiable aspect. For that reason I think it my duty to limit myself to assure you that my Government has the conscience of not having caused any injury to Mr Carmichael, and that, consequently, they do not believe themselves obliged to make him the reparation he demands. They also have the hope that H. M. Government, before employing the public force to support this claim, will think it proper to examine it from its origin, and, however slight the attention they bestow on it may be, they will be persuaded of the deficiency of its foundation. &c. &c. &c

These notes were translated from the Honduras Gazette of September [—] 1859.

After the exchange of ratifications in Guatemala it was immediately announced that Sir William Gore Ouseley had been recalled, and that Mr Wyke had been appointed Envoy Extraordinary and Minister Plenipotentiary to Central America; that he would arrive at Guatemala about the last of September, spend a brief time here, then visit Honduras to adjust some demands of the British Government upon that Republic, and thence proceed to Nicaragua, his final destination. Mr Wyke did arrive in this city between the 25th and 30th Septr. last in the character referred to, and will remain here until tomorrow; and then from this will direct his course to Honduras. Shortly after Mr Wyke's departure for England, a commissioner was sent by Guatemala to Honduras for the ostensible purpose of assisting in keeping the peace between this latter State and Salvador; but, in my opinion, for the actual purpose of presenting the views of the Government of Guatemala upon the impropriety and impolicy of receiving the Bay Islands by treaty or

retain those Islands: that, in her hands, they would soon become the strongholds of pirates and fillibusters to the manifest peril of Honduras, as well as the other Central American States; and that security from these evils consists in leaving these Islands in the possession of Great Britain. In the "Gaceta de Nicaragua" of the 3rd Septr last I find the following article, which I translate, I fear, but indifferently.

> Upon the consideration made to the Senate relative to the obstacles met with by not ratifying the Zeledon and Ouseley treaty, and the project of arrangement of the Mosquito question, the Chamber resolved that the Executive may act in this affair in conformity with the before proposed basis. In our opinion that treaty will remain without effect, and consequently the questions pending between the Republic of Nicaragua and Great Britain in reference to the Mosquito territory will remain in *statu quo*.

I have never seen the treaty referred to in the foregoing, but understand it proposes a surrender of British pretension to a protectorate over the Mosquito Indians and territory, upon condition that Nicaragua will pay an annuity to the Mosquito king of $[*blank*]. Yet, with terms which seem so accomodating, Nicaragua declines the offer, and the condition of Great Britain with reference to that territory remains in *statu quo*. If Honduras shall, in imitation of Guatemala's unconditional surrender, and Nicaragua's refusal to accept, decline to receive a return of the Bay Islands, and disclaim title to, or right of sovereignty over them, the objects of British diplomacy and intrigue will be achieved; Great Britain will have strengthened her position under her construction of the Clayton and Bulwer treaty, and a new complication of Central American questions be, I think, presented. You have, no doubt, observed with what caution, language is selected and employed in the construction of the first article of the late treaty, to vest occupancy and the absolute ownership over the country between the Sibun and Sarstoon anterior to the date of the Clayton and Bulwer treaty; no such caution may be necessary in regard to the Mosquito protectorate from the mouth of the San Juan del Norte to the river Roman; and a treaty with Honduras couched in the language of the first article of the Guatemala treaty, would furnish the proof of Honduras, to the occupancy, ownership and sovereignty of Great Britain over the Bay Islands anterior to the date of said C and B treaty. Guatemala suddenly and without any coercive application of threats of violence, surrenders a large tract of her already diminutive dominions, and, to enable the beneficiary of her bounty to enter upon its enjoyment without molestation from the United States, has turned witness for Great Britain and proved boundary, occupation and ownership: if

cases for her continued occupation, and with the islands in the neighborhood of Belize—the Bay Islands which command the entrance to the Bay of Honduras,—the Mosquito Coast, beginning at the mouth of the Roman river in Honduras, distant less than 30 geographical miles from one of the larger of the Bay Islands, and running the entire coast length of Nicaragua, to, and perhaps below, the mouth of the river San Juan del Norte—with an indefinite boundary inland, she can harass, if not command, the commerce of the United States, from the river Hondo, in the North, to the San Juan del Norte in the South, a distance of more than 1000 miles on the Atlantic coast of Central America, and shape the policy and destiny of these States at discretion.

Under all these circumstances, together with the significant fact that the negotiations between Guatemala and Great Britain were cautiously kept and concealed from me, the suspicions I have confessed have been awakened.

I confess that I feel embarassed by the circumstances that surround me; I have no instructions which contain the views of our Government save those of the late Mr Marcy to the President, while the latter was Minister to England. From these I understand, with respect to Belize, that our Government would not insist upon a surrender of its possession, but would resist the pretension of Great Britain to regard it as a colonial possession with sovereign rights, or to extend it beyond the limits designated in the original grant, the Spanish treaties of 1783 and 1786. And again "an attempt on the part of Great Britain to extend Belice, so as to include any part of Central America, will be repudiating an express stipulation of the treaty of 19th April 1850." The provisions of the late Guatemala treaty of April 30th 1859 are in direct violation of the above policy. I delayed presenting a protest until after the arrival of the Septr mail in the hope that I might receive further instructions; but, as I was disappointed in this, I have felt it my duty to protest, in the name of the Government of the United States, against this late treaty between Guatemala and Great Britain, and to address the President of Honduras. Copies of my protest and letter to the President of Honduras, are herewith communicated, marked Nos 3 and 4.[1]

With the information which may be in your Department, my suspicions may be regarded as not only unfounded, but unreasonable. Yet, limited to my instructions, with no other lights save the past history of English diplomacy, and the events transpiring before me, I have acted in discharge of what I felt to be a high and imperative duty, and sincerely hope and trust

[1] For the texts of these, both dated October 1, 1859, see above, this part, docs. 1518 and 1519.

that my conduct will meet with the approbation of the President, Your Department and the Government.[1] . . .

I have collected a number of facts, believed to be reliable, connected with British occupancy of the Bay Islands, embracing a series of years; which I also forward, marked Nº 6.[2] If it shall be necessary, I will forward several

[1] This omission referred to a translation of the Constitutional Act of the Republic of Guatemala which he enclosed, but which is not of course included in this publication.

[2] The text of this enclosure follows:

The Bay Islands

No. 6

This name has been given to a group of Islands, distant from the coast of the State of Honduras from about fifteen to thirty miles, and comprises the Islands of Ruatan, (the largest and most important) Bonacca, Utila, Barbararatta, Helena and Morat. They abound in fine harbors, are very fertile and healthy, and the abundant springs of water there are unequalled for purity and sweetness by any others in the world. Ruatan is about twenty seven miles long and from one mile and a half to three miles wide. These Islands were discovered by Columbus in 1502 and were formally taken possession for the crown of Spain. At that time they were densely populated by Indians. During the expeditions of the English Pirates to the Coast of Central America, the superior facilities offered by these Islands as a place of rendezvous, and for refiting their vessels induced them to make a descent, upon them, and in 1642 they got entire possession and erected fortifications. In 1650, after the failure of one expedition the Spaniards succeeded in defeating the Pirates and compelled them to evacuate the Islands. They remained in the peaceable possession of Spain until 1742 when England took forcible occupation and fortified them; but in 1780 an expedition was fitted out in Guatemala, that drove the English from the place. By referring to "Thompson's Treaties," it will be seen that by the treaty of peace of 1783 it was provided that England should abandon the continent "and all Islands whatever dependent upon it." And as England attempted to evade the provisions of the treaty a further article was agreed to in 1786 by which it was provided that they should "evacuate the country of the Mosquitos as well as the continent in general, and the Islands adjacent without exception".

In 1796 the English again made a descent upon these Islands, and placed there a large number of Carib Indians forced from their homes in the Island of St. Vincent's, &c.; but in 1797 the Islands surrendered to another expedition sent by the Spaniards from the main land, and the English entirely evacuated them.

From that period up to the Independence of the States of Central America, Spain retained a military station there; the principal Island (Ruatan) being occupied as a penal settlement. At the time of that event the State of Honduras took possession in right of their being within her jurisdiction, and no dispute or protest against that right was ever made either by England or any other power.

In 1830, whilst the States of Central America were in a state of peace with England, the then Superintendent of Belize made a descent upon and took possession of the Islands, driving off the authorities of Central America; but the States made an immediate remonstrance, and in consequence the act was *disavowed* by the English Government and the Islands restored to Honduras.

Affairs continued in this State, the Islands being in the peaceful possession of Honduras until 1836, when a few British subjects settled on the Island of Ruatan. The first three persons were McNab, Ross, and Hugh Garvin, all Scotchmen. They commenced the first regular plantations on a small scale, and obtained permits of residence from the authorities of Honduras, residing at Truxillo. Between that period and 1841 the Islands were repeatedly visited by both English and American vessels in search of cocoa nuts, lancewood spars, &c. and also by several turtling vessels from the Caymans Islands. These latter conveyed back such glowing accounts of the place that several liberated slaves, as well as their former masters came there to settle,—these people were

protests of Honduras against the occupancy of these islands by Great Britain; together with curious facts connecting Lord Palmerston with the publication of John Baily's Map of Central America of 1850, and the location

were making a profit by selling plaintain, &c, to the vessel were highly exasperated, and in connection with the parties who refused to apply for permits, made a complaint to Col. M°Donald, the Superintendent of the British Settlement at Belize, to the effect that they were British subjects and that they were being treated with the greatest indignities and tyranny by the authorities of Honduras.*

* Hugh Garvin, one of the principal settlers stated in 1850, that the most extravagant lies were told Col. M°Donald, about the bad treatment they were receiving, whereas in fact they were never interfered with at all; but that they were determined to "get rid of the b—y Spaniards as they were Papists."

Shortly after Col. M°Donald proceeded to Ruatan, in the British sloop of war "Rover," and having first visited Coxen's Hole to hear the complaints of the settlers, he went to the harbor now called Port Royal, where the Commandant, some soldiers and prisoners resided. His first act was to haul down the flag of Honduras and substitute that of Great Britain, and threatening the people there with *death*, if they presumed to haul it down, he sailed out of the harbor. Scarcely however had he passed the limits of the harbor, when the English flag was hauled down, and that of Honduras again substituted. Exasperated at this he returned, and the flag of Honduras was not only hauled down again and trampled under foot, but was defiled by one of the middies; the people were compelled forcibly to embark, in an open boat, which was towed by the Rover across the open sea to the mouth of the harbor of Truxillo, on the main land, and was there cut adrift, leaving the people to find their way ashore as well as they could.

Against this act of aggression, (and that too in time of peace and without any ostensible reason) Honduras immediately protested, but no notice was at that time taken of it. In 1843, however, *Col. M°Donald was recalled from the Superintendency of

* It was during his administration that he seized upon that part of Guatemala extending to the Sarstoon river and aback to the boundary now claimed by Great Britain. The greater part of the lands so seized upon were granted away by him to his particular favorites in Belize.

Belize, and Col. Fancourt was appointed in his stead. On his arrival the Government of Honduras addressed him a letter on the subject, and he referred them to the British Government. Subsequently Mr Chatfield, the British Consul at Guatemala, addressed a note to the authorities of Honduras, in which a gross and deliberate falsehood was uttered,—namely that the act of hauling down the Honduras flag was done by order of the English Government.

It is necessary here to remark that neither Col. M°Donald, nor any agent of the English Government ever attempted to exercise any jurisdiction in the Islands at this period. In the meantime a large number of emigrants kept arriving, (of different nations,) but principally free negroes from the Cayman's Islands. Among these settlers were two or three who were very anxious for office, and were continually urging upon Col. Fancourt to visit Ruatan and appoint magistrates for them, as such was the wish of the settlers. In January 1845, therefore, just after the performance of that solemn farce, the coronation of the Mosquito King, Col. Fancourt, accompanied by *Robert Temple,

* This notorious individual, so obnoxious to the people of Belize, and better known there as the "drunken judge," asserted upon one occasion, on a trial for a murder committed near the Sarstoon river, in a charge to a jury—that "England took possession of that territory (part of Guatemala) to the Sarstoon River and aback, because it was un-

facts.

recognizing the authority of the crown, if they wished it, he would appoint magistrates from among them. The great mass of the people present refused to submit to this proposal, unless he, Col. Fancourt, would positively declare that the Islands were in full and formal possession of the Crown. This he stated he could not do. The consequence was, that he, in opposition to the wishes of the people, and at the instigation of a person named Uin Elwin, who said the people would afterwards submit, proceeded to appoint five magistrates—of course individuals in favor of his peculiar views; the said Uin Elwin being the first appointed. Among these so appointed magistrates was a free negro from Cayman's, named *Connor, who could neither read or write! The people declared

* On the occasion of an important trial before these magistrates, this individual was asked his opinion of the case by Elwin. He replied "de same as yours Sah! Whatever you say I grees to um"!—an immaculate magistrate truly!

in a body that they would not submit to these magistrates, or to any authority of Col. Fancourt's unless they were satisfied that he had the power and the right to do as he was then doing. His reply was that it was the "prerogative of the Crown to appoint and the duty of the subject to obey, and that he for the time being represented the Crown."

These magistrates held some sittings and endeavored to try some cases, but they could not enforce obedience, and their decisions were disregarded and treated with contempt. They appealed to Col. Fancourt, but he declined to interfere again, and as his act was never sustained by either the Governor of Jamaica or the British Government, *his* magistrates were not recognized by the settlers.

A few months after this an important occurrence took place. An English vessel got stranded on the reef at Bonacca, and a large number of the free negroes, better known as "Caymen's Pirates," proceeded to her and under pretence of assisting, robbed and plundered all they could. The Captain afterwards proceeded to Belize and made complaint in writing to the Superintendent. The Colonial Secretary, Mr George Berkeley, addressed him a reply in which he stated that he was "instructed by Her Majesty's Superintendent to inform him that he could not interfere in the matter as *he had no jurisdiction over the Islands*. This took place in 1846.

* In 1846 the settlers finding they were left entirely to themselves, and having been re-

* Mr Squier, in his Notes on Central America has published a very erroneous statement about all the proceedings at the Bay Islands.

peatedly informed that H. M. Government neither possessed or exercised any jurisdiction over the Islands, held a Public Meeting to consider what under the circumstances, they had best do, as the population was rapidly encreasing and it became absolutely necessary to institute some form of Government. At this meeting a resolution was adopted to elect five magistrates, who were to serve for one year, and also to form a Public Meeting or Assembly, to consist of thirteen members who were to enact laws, &c. Of these proceedings Col. Fancourt was advised formally, through the Clerk of the Meeting, and here the matter rested. In 1847 and 1848 elections for magistrates took place, and every thing went on well. In November, 1849 another election took place and Mr Wm Fitz Gibbon, an American was elected the Senior or Chief Magistrate. The population of the Islands had now increased to from 1,800 to 2,000 souls, and as several well informed and educated persons were among them, it was determined at the Public Meeting in the month of January, 1850, to proceed and organize in a more formal manner the local government. A short time prior to this a letter had been addressed to Hon. John M. Clayton whilst Sec'y of State of the United States, by a gentleman interested in the affairs of the Islands. In reply to this letter Mr Clayton stated: "that under no circumstances would the Gov't of the United States permit the Gov't of Great Britain to interfere with the affairs of the settlers at Ruatan." This was generally known to the people and gave them great confidence and satisfaction.

At the meeting alluded to a committee of five was appointed to report on the condition of affairs, and recommend some general system of government, and to report at an early day. In the first days of February the adjourned meeting was held and the Committee

I neglected to state that I am advised the late treaty here, came from the foreign Office in London already printed, except that article upon the subject of the road.

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selves. Honduras owned the territory, and although the majority of the settlers were British subjects, yet Her Majesty's Representatives declined interfering in their affairs unless *solicited* so to do. The Committee therefore recommended the organization of an Assembly, the member of which receiving the largest number of votes, should be the Chief Magistrate or Governor; the forming of a Supreme and a Grand Court, for the trial of grave criminal and other cases to be presided over by a Chief Justice, who in the absence or incapacity of the Chief Magistrate was to act as such, and of a lesser court for petty cases. The mode of holding elections was also provided for, &c. &c. The elections were held, and John James Hall, Esq, for some time U. S. Vice Consul at Mansaneillo [Manzanillo], in the Island of Cuba, was elected Chief Magistrate, and Mr Wm Fitz Gibbon, Chief Justice. Other Judges were also elected as well as members of the Assembly—in a word the Government was formally organized. *No opposition was made by any of the settlers to these proceedings except by the before mentioned Uin Elwin*, Colonel Fancourt's tool; on the contrary the approval was most enthusiastic. A meeting of the Legislative Body was held and laws made and approved of, and the Supreme and Grand Court held their Sessions. In the latter part of April Mr Hall had to absent himself from the Islands, and in accordance with the local Constitution Mr Fitz Gibbon became Acting Chief Magistrate.

In May the British War Schr. "Bermuda," Lieut. Jolly, commanding, arrived at the principal settlement at Coxen's Hole. This gentleman waited upon Mr Fitz Gibbon, and recognized his authority inasmuch as he solicited him to call a meeting of the settlers, to hear a letter read from Sir Charles Grey, the Governor of Jamaica; as in consequence of representations made by certain British subjects residing on the Islands, it was important to hear their complaints, and know their wishes and wants.

Mr Fitz Gibbon informed Lieut. Jolly that a formal Government had been organized, and that without the consent of the settlers it could not be altered, unless, indeed, H. M. Gov't declared the Islands attached to the Crown, or compelled submission by force. In order, however, to satisfy Lieut. Jolly, Sir Chas. Grey and the British Gov't. of the state of the feelings of the settlers on the subject, he would call the meeting. This was done and the largest meeting ever held on the Islands was convened at the Court House.

At this meeting Lieut. Jolly distinctly and positively stated that his instructions were to ascertain the wishes of the settlers; that if they wished to place themselves under the protection of the Crown, it would be afforded them, and a Stipendiary and other Magistrates would be appointed, for the payment of whom they must make provision by levying a tax of one shilling sterling per acre on all lands cultivated; on the other hand that if they did not want such protection they would be left to themselves.

Mr Fitz Gibbon then addressed the meeting in reply, and after giving the settlers every information on the subject in his power, finally asked Lieut. Jolly if H. M. Gov't claimed jurisdiction over the Islands. To this question, Lieut. J. said he must decline replying. Then said Mr F. until H. M. Gov't replies definitely to this question, we wish to be left to ourselves; we are perfectly competent to manage our own affairs, and we recognize these Islands as the territory of Honduras: and now, to satisfy you, Sir, and all whom it may concern of the truth of my assertion, a vote upon the wishes of the people will now be taken. This was done immediately and the *entire* vote, (except only *two* notoriously obnoxious individuals named *Uin Elwin and Thomas Nilton, both

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* This fellow always afterwards carried a revolver with the butt end sticking out, (that it might be seen) fearing that he would receive some ill usage at the hands of the settlers, for the obnoxious course he was pursuing against them.

Since writing the foregoing I have received from the Minister of Foreign Affairs a reply to my protest, which drew from me a short rejoinder; copies

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of many of the children attending the Baptist and Methodist Schools, and afterwards sent this precious document to Belize, stating it to be the *act of a majority of the settlers*, and that it was opposed only by a *few* malcontents. Col. Fancourt despatched it immediately to Jamaica.

During this period affairs continued in the same state on the Islands. Intelligence had been received of the Clayton-Bulwer treaty and it gave the greatest satisfaction. Steps were being taken to send a delegation to Comoyagua, the capital of Honduras, in order to obtain the sanction of its Gov't. to the system established upon the Islands, and to secure full titles of possession from that Gov't to the lands occupied by the settlers. When, lo! one afternoon in August, *some six weeks after the ratification* of the Clayton-Bulwer treaty, the Bermuda, Lieut. Jolly, again made her appearance. Mr Fitz Gibbon proceeded on board and was informed by Lieut. Jolly, that Sir Charles Grey had sent down the vessel again pursuant to the wishes of the British subjects on the Islands, and that therefore the local Gov't must cease. He also stated that a complaint had been made against him, Mr F., of having declared the Islands under American protection, and of having the American flag hoisted at his residence; *that his, Lieut.

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*No part of this charge against Mr F. was true, except that he had hoisted an American flag on the 4th of July; in this he considered himself justified as an English flag had been hoisted by another on the Queen's Birthday.

Jolly's instructions were, in the event of finding the American flag flying at Mr F.'s residence, to request him to haul it down, but that if he refused or declined doing so, then *to fire upon the flag and house and destroy them.*

All opposition to this flagrant act of injustice was of course out of the question thus supported by the guns of a vessel of war, and the local government from that hour ceased. Mr Fitz Gibbon then issued the following protest:—

PROTEST

Against the occupation of Ruatan, Bonacca, Utila, Barbaratta, Morat, Elena, &c. by the British Government:

WHEREAS, in the month of August, last past, Lieut. Jolly, commanding H. B. M. war schooner "Bermuda" took formal possession of these Islands, in behalf of the British Crown, declaring them to be a British Colony under the title of the "Colony of the Bay Islands" and gave unto certain individuals a Commission to act as Magistrate:

I, William Fitz Gibbon, Chief Justice of said Islands, as elected by the people, and Acting Chief Magistrate as provided for by the Constitution (adopted by the people) in the absence of John James Hall, Esq. the Chief Magistrate, do most solemnly protest, in the name of the Sovereign State of Honduras, whose territorial right is indisputable, and in the name of the local authorities of these Islands, against the said occupation, and declare it to be illegal, unjustifiable, and an act of usurpation against existing treaties, as follows:—

1st Because the said occupation is made in defiance of the publicly expressed wishes of the settlers, as given by them at a Public Meeting held at the Court House, by the request of the said Lieut. Jolly, upon which occasion *two votes* only were given in favor of British protection, namely Uin Elwin and Thomas Hilton, whilst the remainder of the meeting, consisting of all the principal settlers, voted against the measure.

2nd Because the letter purporting to have been addressed to Sir. Chas. Grey by the settlers, and upon which the right of occupation is grounded, was never presented for signature at a Public Meeting, as required by the local laws of these Islands, but was written by the aforesaid Uin Elwin, who by threats and intimidation obtained *fourteen* signatures out of a population of 1,800, and affixed or caused to be affixed thereto the *names of the children of the Methodist and Baptist Schools*, and forwarded the same to Col. Fancourt, the British Superintendent at Belize, declaring it to contain the wishes of *all* the inhabitants, except a *few* malcontents.

of said reply and rejoinder are herewith enclosed, marked Nos. 7 and 8.[1] This reply is a remarkable production in many respects: it declares distinctly and categorically that the intervention of a "foreign agent" cannot be admitted in an affair in which he cannot be considered, "in any manner, authorized to interfere"; and in the very next paragraph speaks of "well founded reasons, which she had and retains, to believe" &c—and declares that one of the principal reasons that determined the Government of Guatemala to "sign that arrangement," was "the persuasion the Government had, that it may greatly facilitate the settlement of the difficulties, which have existed in regard to Central America, between two powerful nations:" strange that these existing difficulties should be of such a character as so far to enlist the sympathies of Guatemala, as to induce her to constitute them the principal motives that determined her to sign that arrangement. And yet, Guatemala cannot consider the accredited agent of one of these nations to be in "any manner authorized to interfere." It is proper that I should not close this dispatch without alluding briefly to these well-founded reasons which Guatemala "had and entertains;" these, I am satisfied consist alone of ex-parte communications made by Mr Wyke the English Plenipotentiary, who was in Guatemala at the time my protest was delivered, has been ever since, and saw it immediately; it being shown to him, as he has admitted to me; for I cannot believe that the Government at Washington had, at the date of the treaty, or has since communicated any intelligence to Guatemala upon the subject. To fortify the Government here against the exceptions

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4th Because by a solemn treaty entered into between the United States and Great Britain in the month of April of the present year, 1850, and confirmed and ratified by both Governments on the 5th of July last past, neither power could establish colonies, settlements or fortifications in any part of Central America, and as on the dates in question the British Government had not a *solitary representative* in these Islands, the Government being vested in officers elected by the people—the occupation is now made in open violation of said treaty.

Given under my hand and seal, at Ruatan, this fifteenth day of September in the year of our Lord one thousand eight hundred and fifty.

(Signed) WILLIAM FITZ GIBBON.
Chief Justice and
Acting Chief Magistrate.

It was not, however, until either the month of December, 1850, or January, 1851, that a formal commission for the new magistrates to act arrived, signed by Sir. Chas. Grey—(during which period no authority may be said to have existed in the Islands) more than six months after the ratification of the Clayton-Bulwer treaty. The authorities of Honduras protested also. Affairs remained in this state until the month of August, 1852, when Col. Wodehouse, the new Superintendent of Belize, visited the Islands, and the whole business was more formally accomplished. The same month Mr Fitz Gibbon returned there from the United States to find his property a wreck, and the lands occupied by him under the local laws, and with the consent of the authorities of Honduras, in the possession of others. This month also a boat from Truxillo arrived bringing the final protest of Honduras. In September, Mr Cuyler, a Stipendiary Magistrate arrived from Belize and took charge of the Government of the so-called "Colony of the Bay Islands."

with the approbation of the Government at Washington, and has shown him a copy of a treaty signed by Mr Dallas and Lord Clarendon in London on the 17th October 1856;[1] and these recent disclosures furnished the reasons for the well founded belief that the Government of Guatemala "*had* and retains". Mr Wyke has, within the last two days, communicated the same intelligence to me. Of the approbation of our Government I had heard nothing until his statement of the proposed treaty agreed upon between Mr Dallas and Lord Clarendon, I had heard, perhaps before I left home, but as Your Excellency has been silent upon the subject, and no copy thereof is found in the Archives of this Legation, I cannot notice it; indeed if a copy had been in my possession, I could not have regarded it of sufficient authority, in its present shape, to constitute it the bases of my action; the more especially when I have seen no move made towards a return of the Bay Islands.

I have not the shadow of a doubt, that if Mr Wyke and the Minister of Foreign Affairs were called on as men of honor, they would both admit the correctness of the foregoing; and that these well-founded reasons were unknown to the Government of Guatemala at the time the treaty was made, and never known until since Mr Wyke's return. I enclose herewith a slip from the "Morning Edition" of "The New York Herald" of August 29th 1859, containing the protest of Pedro José Valenzuela, and three others of the Council of State of Guatemala;[2] you will agree with me, I think, that it is singular that these "principal reasons" receive no notice in this protest, claimed, as they are, to have exercised an influence so powerful upon the deliberations of that Council.[3] . . . *Oct 22nd 1859.*

I have the honor [etc.].

[1] See below, vol. VII, pt. II, containing Communications from Great Britain.

[2] This protest, dated May 1, 1859, occupies a column and a half of fine newspaper print; it is a protest of a minority against the action of the majority of the council which consented to the ratification of the treaty with Great Britain.

[3] This omitted portion requested the return of the newspaper clipping—which request was apparently disregarded, unless a duplicate was substituted—and referred to an enclosure No. 10 containing two omissions from his protest. No such enclosure is now to be found in the manuscript volume. A final paragraph discussed matters of routine, such as accounts and needed stationery supplies.

Pedro de Aycinena, Minister of Foreign Affairs of Guatemala, to Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras [1]

[TRANSLATION]

No. 7 GUATEMALA CITY, *October 18, 1859.*

SIR: I have the honor to acknowledge the receipt of the communication signed by His Excellency the Honorable Beverly L. Clarke, Minister resident of the United States in this Republic dated the 1st inst.[2] but which was not delivered to me until the 10th, containing an exposition and protest against the Treaty signed by Plenipotentiaries of Guatemala and Great Britain on the 30th of April last for the purpose of designating definitively the bounds and limits between this Republic and the British settlement of Belize— I have also duly received another communication of His Excellency, dated the 11th [3] making an addition to the former—

The foundation of that protest seems to be the opinion that the Treaty between Guatemala and Gt Britain, to which it alludes, is a violation of the Convention commonly known by the name of Clayton-Bulwer Treaty—signed on the 19th of April 1850. If the arrangement in regard to boundaries, entered into between Guatemala and Great Britain—constitutes a violation of the Clayton-Bulwer Treaty, it is not incumbent upon the Government of this Republic to discuss this question, nor is it a competent judge of it—having had no part in that Convention—His Excellency Mr Beverly L. Clarke cannot but know that in any case—if there were a motive to protest—such a protest should be directed to the Government of Great Britain and not to that of Guatemala—

In agreeing upon the arrangement of the boundaries between this Republic and the British settlement of Belize—this Government is under the belief that it consults her most important interests—exercising the unquestionable right that pertains to it to act with entire independence in a matter which only concerns the wellfare of the Republic— I must therefore, declare distinctly and categorically that I cannot admit the intervention of a foreign Agent in an affair in which, I say it with due respect—I cannot consider him to be in any manner authorized to interfere—

This principle being established—I have to inform His Excellency the Minister resident of the United States—as a proof of my consideration, that the Government of Guatemala had, and retains well founded reasons to believe, that the boundary Treaty signed on the 30th of April last, may be favourably considered by the Cabinet of Washington, it being entirely in

[1] Despatches, Guatemala, vol. 3, enclosure No. 7, with Clarke to the Secretary of State, No. 54, with postscripts of the 20th and 22d, above, this part, doc. 1529.

accordance with the views heretofore manifested upon this point—and that one of the principal reasons that determined the Government of Guatemala to sign that arrangement—so much desired and long sought for—was the persuation that the Government had—that it may greatly facilitate the settlement of the difficulties which have existed in regard to Central America, between two powerful Nations— This Government on its part entertains a full confidence that, sooner or later, justice shall be done to the uprightness of its intentions—

Not being able in any manner to admit the reasonings expressed in the communication of the Honorable Beverly L. Clarke tending to show that this affair has been treated guardedly and with an unusual reserve, when on the contrary it has been conducted in the form accustomed everywhere in similar cases, I cannot but remind His Excellency—before concluding this dispatch—of the entire frankness and plainness with which I informed him of the terms agreed upon in the boundary arrangement—even giving him confidentially a true copy of the Treaty a few days after it had been signed, on the ocasion of His Excellency's considering it convenient to speak to me on the subject—

I avail myself of this opportunity [etc.].

1522

Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras to Pedro de Aycinena, Minister of Foreign Affairs of Guatemala [1]

No. 8 GUATEMALA CITY, *October 19, 1859.*

SIR: The undersigned has the honor to state, that he has received the communication signed by Your Excellency, bearing date October 18th 1859.[2] in reply to a communication of his own, addressed to Your Excellency on the 1st Oct 1859.[3] Respectfully waiving a review of Your Excellencies entire communication for the present, the undersigned would invite the attention of Your Excellency to the no doubt, unintentional error with respect to *time*, which occurs in the following paragraph of Your Excellencies said communication. "I cannot but remind his Excellency before concluding this despatch of the entire frankness and plainness with which I informed him of the terms agreed upon in the boundary arrangement, to the effect of giving him confidentially, a true copy of the treaty, a few days after it had been signed. On the occation of his Excellencies thinking it proper to speak with me upon the subject."

last, when we met at a breakfast at the Bishop's Palace. Upon that day, and upon that occation for the first time, the subject of the Treaty was alluded to between us. The Undersigned then stated to your Excellency that he had noticed in the "Gazette" an Article to the effect that a treaty had been recently solumnised between the Republic of Guatemala & Great Britain establishing boundary &c, to which your Excellency replied in substance, that "such was the fact"— And that in drawing the treaty your Excellencies Government had been Governed by the treaty of 1850, between Great Britain & the United States"— After other remarks we both allowed the conversation to cease in deference to the occation. On the ensueing day the undersigned saw your Excellency at the Foreign Office, at which time and place we had other conversation with reference to said treaty; the undersigned then expressed a desire to see said treaty, and your Excellency proposed to furnish him a copy requesting that the undersigned should only furnish his Government with a synopsis thereof. Within a day or two this copy was furnished. These two are the only occations on which any conversations whatever, have ever passed between your Excellency and the Undersigned upon the subject of said Treaty, he therefore deems it proper to ask the attention of your Excellency to the foregoing facts, by way of locating the *time* at which we had the conversations to which your Excellencies communication refers, and the *time* when the copy was furnished to him by your Excellency—

The Undersigned with pleasure [etc.].

1523

Pedro de Aycinena, Minister of Foreign Affairs of Guatemala, to Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras [1]

GUATEMALA CITY, *October 22, 1859.*

SIR: I have had the honour to receive your excellency's note of the 19th in which you acknowledge the receipt of mine of the 18th,[2] and you are pleased to remind me that it was on the 3d of July when the conversation upon the subject of the Convention signed on the 30th of April, took place, and not a few days after it was signed, as, undoubtedly by mistake, I expressed it in the last paragraph of my said dispatch.

I took note, neither of the conversation nor of the date when it took place, and at the time of mentioning that circumstance, knowing that on the 5th

[1] Despatches, Guatemala, vol. 3, enclosed with Clarke to the Secretary of State, No. 14, with postscripts of the 20th and 22d, above, this part, doc. 1520.

of May a notice was published in the Gazette of that Convention having been signed, I naturally supposed that the conversation and subsequent delivery of the copy, had occurred in those days. Your Excellency's indication has remined me perfectly that it was on the 3d of July; and thus the frase in my note of the 18th can be mended, saying: *a short time after, in the first days of July &c.*

It is satisfactory to me to be able to comply with the wish manifested by Your Excellency of having that rectification made; and I avail myself of this opportunity [etc.].

1524

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States[1]

[EXTRACTS]

No. 3 SAN JOSÉ, COSTA RICA, *October* [*31*][2] *1859.*

SIR: Through Thos Francis Meagher, Esqre, bearer of the State Department, your Despatches Nº 3 and Nº 4, dated respectively Septr 22d, and October 3d, 1859,[3] together with their accompaniments, have been duly received.[4]. . .

Considering the time, when the news of the change—I cannot call by any other name that which has hitherto left but partial traces of commotion behind it—when the news of the change in the affairs of Costa Rica must have reached the United States, and the date of the departure of the last steamer from New York; I had entertained an anxious hope that some indications might have come to me, from the Department, in relation to the course, which it would have had me to pursue in the case. I regret to find, at so late a period as that of the 3d of October instant, that the Department should have observed, on the subject, a silence no doubt justified by its own wisdom and foresight. That silence, however, I find less reason to regret, as it has almost justified me in inferring that our government, being made aware of the fact of the revolution in Costa Rica, had rested on the discretion

[1] Despatches, Nicaragua & Costa Rica, vol. 5. Received November 23.

[2] In the original document, the day of the month was omitted; but in the first paragraph of his No. 4, dated October 31, 1859, below, this part, doc. 1525, he mentions his "No. 3 of this date."

[3] For instruction No. 3 of September 22, 1859, see above, pt. 1, doc. 1121; but No. 4 of October 3 is not included in this publication. The latter told Dimitry of the offer of the Nicaraguan government to return, through the consul of the United States at San Juan, two vessels which had been seized in September 1858, and enclosed copies of [illegible]

emergencies of the occasion.

What that course has been, and what the main motives, which induced me to it, I have already communicated to my government, in my despatch of the 29th of September ultimo.[1] Since that period, and on a most scrupulous review, I have had no reason, the slightest, to revert doubtingly on its propriety. In the absence of an approval of my conduct—of even an intimation that a knowledge of it had reached the Department—and under the still abiding impression that the President will have deemed that the step, which I took, in recognizing the existing government of Costa Rica, by the presentation of my credentials, was neither injudicious nor unseasonable; but that it was one taken with a view to the best results; I am daily convinced that the act, in consideration of the time when it was performed, and in regard of the authorities concerned, will, in the end, tell beneficially on the interests of the United States in this country. It was natural that an administration, which had come into power through a revolutionary agency, should look to the decision of the American Minister with no common degree of anxiety. Of that fact, I must, by mere induction, have been fully aware. But, in addition to this, I was, indirectly, informed that such an anxiety, on the part of the new government, waited on the contemplated action, which the representative of the United States might take, and which I, in that capacity, considered it my duty to pursue.

The course, which I was inclined to adopt, both by the suggestions of expediency and the demands of duty, has left me, I beg leave to repeat, so far no reason for a single regret.

The cordiality, which first welcomed the arrival of the American Minister in this capital, converted, after the presentation, into the most marked attentions, satisfied me that, however hollow the cordiality might have been, the attentions indicated a sense of gratification, at least, that the countenance of the United States had not been turned away from the existing government. Since my admission to an audience, I have had abundant proof of that fact, derived from my official and private intercourse with the Provisional President and the members of his Cabinet. That intercourse has given me an opportunity of judging that they are men possessing fair capacities. The Provisional President, Dr José Maria Montealegre, is generally acknowledged, even by those politically opposed to him, to be a good just and virtuous citizen—a somewhat unusual attribute among the public functionaries of these countries;—whilst the three members of his Cabinet, Mr Jimenez of the Foreign Relations, Mr Aguilar, of the Treasury, Mr Volio of the Interior, and the Judge of the Supreme Court—late a President of the Republic—are men of admitted abilities, if not of moral integrity.

For their political integrity, however, if the latter can be separated from the former, it were no safe undertaking to vouch. As a general thing, Central America is not allowed to be a region, in which the civic virtues are a redundant element, in the character of public servants. Whatever may be the standard of the men now in power, one fact you may receive as certain; and that is, that the leanings of a majority of them are decidedly English. A variety of circumstances seems to have prepared the way, and shaped the tendencies of this state of things. Among these circumstances, I can distinctly trace the influence of British capital, invested in trade and wielded by men, who are, at once, merchants in the counting-house, judges in the courts of justice and ministers in the councils of State. Besides this, we have, among the leading men, to advert to the considerations of education and of travel; some having received their training in England, and most of them, who, having visited her shores, have never yet witnessed the operation of the political and social system working within our boundaries. Much of this influence may also be referred to relations of an even more binding character;—the marriage of Costa Ricans with English parties, and, conversely, of Englishmen into Costa Rican families. True that the latter condition is the case with two or three of our own citizens, but this is a mere link in a chain which seems to weigh, so far, preponderantly against our peculiar ideas and immediate interests. The fact of their being thus connected exerts but a very inconsiderable influence on those interests, as they are connected with merely respectable families; whilst the others are allied to native families of official position and, consequently, of political power. This is not the case merely now; but it has been so heretofore and from the very period of time, which marks the origin of British ascendency in this Republic. Another opinion and one of which I am the faintest echo, while I feel that it leads me on delicate grounds—is that, so far, the agents of the United States, however otherwise well fitted for the defense of American rights, have as a general thing, from their ignorance of the language of the people and, therefore, from their inability immediately to commerce with them, been unable to combat individual misconceptions, remove national prejudices and consult great objects, which, after all, are best subserved by direct and personal appeals to the interests of those, with whom they are brought in contact.

Admonished by these suggestive lessons of the past, I beg leave to assure you, Sir, that, in no particular of either my official intercourse or social converse, have I neglected, up to this moment, fairly and honorably to exert every appliance in my power to smooth the way to the termination of a mission, which, I sincerely hope, may not cease without some measure of

installation of the National Constituent Assembly, returned by the popular vote at the elections of the 2d of October, announced to you, in my despatch Nº 2,[1] as then being in progress. From the National Palace, where the ceremony of swearing the members and the officers of the Assembly took place, the procession, composed of the Authorities, the Clergy, with the Bishop at their head, and the body of the laity, repaired to the Cathedral of San José, where the exercises were closed by a *Te Deum* of thanks.

With many of the men, who compose that Assembly, I have had opportunities, unsought by me, to converse. Indeed, some of them have called, privately, for such suggestions as might enable them understandingly to frame their organic law in a spirit better calculated, than hitherto, to secure the ends of a republican government. Such suggestions as I could make, without any seeming intrusion in their municipal concerns, I have freely and cheerfully extended to them. It appears that, satisfied by a sad experience, of the insufficiency of one chamber duly to resist, or rather of its adaptation to subserve, the encroaching powers of the Executive, they have resolved to check them by the creation of a senatorial branch, such as exists in our Federal and State constitutions. To this object, particularly, their inquiries tended; and to these I have returned such answers as duty and propriety justified. They have now been some twelve days in session. The first of their acts was to recognize and declare the legitimacy of the existing government. Among the earliest of their discussions was that of an article—that of a State Religion and of the freedom of worship—which I thought might in the form presented, trench upon the treaty-stipulations between the United States and Costa Rica, and hereafter give rise to difficulties. To that article, I privately and respectfully called the attention of one of the members; and it finally passed in such form as, I think, will obviate any future complications, should the instrument stand as the organic law of the land.[2] . . .

In concluding this Despatch, which, to my great regret, turns mainly on general statements, rather than on those substantial facts, which the Department, I am aware, naturally feels anxious to possess, touching questions of high importance to the dignity and prosperity of our country; I have ardently desired that I might have it in my power to communicate to you, Sir, something direct and positive as to the designs and intentions of the British government, defined by the action of their mission to this Republic. If you will have considered that the ministry of Sir William Gore Ouseley was exerted on an administration, which has now ceased to exist, but which is known to have been not averse to English views, if not inimical to those

[1] Above, this part, September 29, 1859, doc. 1516.

of the United States; if you will have considered in addition that the knowledge of the specific nature of those exertions now rests with those, who, as I have already had the honor of intimating to you, are held, and, I believe, not unjustly held, to lean to British suggestions and British interests, you will, at once, conceive how difficult it must be, where there is no concurring will, to obtain information of such a character as that which, touching our own interests, I would be pleased to convey to my government. In the interview, for instance, which I had with Sir William, on the occasion of his visit to San José to participate in the ceremonies of inauguration, a relation of which I have had the honor of conveying to you; I attempted, within the strictest bounds of both official discretion and gentlemanly proprieties, to obtain from him a modicum even of information as to the tendencies and results of his negotiation, not only in Nicaragua, but also in Costa Rica, where, I was satisfactorily informed, he had been stipulating for treaty-articles, between his government and that of the Republic. The submissive cunning of Machiavelli and the loutish astuteness of Cardinal Ximenes, were never more fitly exerted than in the answer which I got in the evasion of my inquiries. I was reminded that I must know the peculiar notions of the people of Central America; that their expectations are of an extravagant nature, and their pretensions in keeping with their expectations. With this vague intimation on the part of Sir William, I was, of course, compelled to be satisfied. On this subject, however, I am not altogether left to my own surmises; and your Nº 3, of the 22d of September,[1] which I have maturely digested, clearly points out to me the course, which the President expects me to pursue in relation to Nicaraguan affairs, so far, as intervening parties, the governments of the United States and of Great Britain are concerned.

In connection with the second point involved,—as to the intentions and contemplated stipulations of the treaty, which has been proposed between the government of Great Britain and that of Costa Rica, but which is, as yet, in a state of abeyance, I have to state that, neither from the Representative of the former here, nor from the government of this Republic, which—as I have already apprized you—is far from being unfavorable to British interests, have I been enabled to obtain any reliable information. I have, however, procured, from another source, that information which I had failed to gather from those, who are, undoubtedly, in possession of every point of material importance bearing upon the subject.

Dr Nasario [Nazario] Toledo, who, for some time, and up to the period of the revulsion in the affairs of this Republic, had been the Minister of Foreign Relations of Costa Rica, happens to have established relations of intimate

him, in relation to pending questions between the Government of Great Britain and that of Costa Rica, I reaped, what I consider to be, substantial information as to the causes, which stopped the negotiations between the two governments. From the source, to which I have adverted, I derive that Sir William proposed to Costa Rica, among other articles, two stipulations of a most peculiar character, when they come to be contrasted with the declarations of the Ministry of Great Britain, now in possession of the State Department. One of them is that Costa Rica should stipulate for authority, in behalf of England, to land troops on the territory of Costa Rica. The other, that Costa Rica should exert her good offices to procure, from Nicaragua, the recognition of the authority of Great Britain—(those, I think, were the words used) over the territory of the Mosquito Indians. To these propositions, I am told, the late President, J. R. Mora, demurred, and, upon his demurrer, Sir William asked time to consult his government. What the grounds of the demurrer were, or what was expected from the forthcoming instructions, I have not been able to ascertain. Upon the well-known axiom, however, of *do ut des*, I apprehend that President Mora must have exacted an equivalent for the demands of Great Britain. The character of that equivalent, I have not been able to ascertain. But it will occur to you that, in the request to pretermit negotiations, until farther instructions could reach him, the Minister of Great Britain must have expected a ratification, or a denial, of the terms proposed. These things took place previous to the 14th of August, which put an end to the Mora Administration. But, on the 16th of August, the British press from the city of London announced to the world that Sir William Gore Ouseley, at his own request, had been recalled, and that the duties of his mission were committed to the hands of Mr Chs L. Wyke. If any just inference were ever allowable, it must certainly be so in this case, and to this extent, that Sir William, as he had already done, to our knowledge, in Nicaragua, had, in Costa Rica, stipulated for certain treaty-provisions, which were not within the purview of the agreement of the United States and Great Britain, but, on the contrary, in conflict with the understanding between the two governments; and that these being ignored by the latter government, it had determined to supplant him. These facts, however,—just as they come to me from a source, which I am inclined to consider as genuine; and the inferences, which I have ventured to derive from them, I leave to your own superior appreciation, with the assurance, dear Sir, that I am, most respectfully [etc.].

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 4 SAN JOSÉ, COSTA RICA, *October 31, 1859.*

SIR: A due regard for an appropriate reference of official communications, on the files of the Department, seems to demand that questions, touching Nicaragua, for instance, should not enter into a Despatch relative to Costa Rican affairs. Hence I have thought it right, in addition to my Nº 3 of this date,[2] to address you in a separate form; not that I have any thing of direct interest bearing on Nicaragua matters; but that I have an explanation to offer, which, left undone, might justly expose me to the censure of my government.

It is scarcely necessary that I should say that your instructions have been a *vade mecum*, attending every step, which I have hitherto been able to take in furtherance of my duties. In those instructions, referring to the contemplated conveyance of the mails of the United States, by the Johnson contract, over the Nicaragua route, from the 1st of October instant, I found the following:

> I deem it proper you should communicate this fact to the government of Nicaragua, in order that no misapprehension may exist on the subject and no interruption, which can be avoided, may occur upon the passage. &c.

This branch of the instructions I have, through no neglect, failed to carry out. My departure from its tenor will, I trust, be indulged in by the Department, when it will have been possessed of the motives which swayed me aside from the line, which you have laid down.

Previous to my departure, on the 5th of September ult. the approaches, in the City of New York, of one, or two, of the parties, connected with the 1st of October transit service, contemplated under the contract with the Post Office Department;—the doubts and the hesitations, not intended by their own language, but impressed upon my mind, as to their real intentions or their actual ability in regard to the putting on of the service, in accordance both with the conditions of that contract and with the determinations of the Executive, had given me serious reason to pause, if they had not satisfied me, as to the intents of the contractors and, if they did entertain any, as to the means and appliances in their power, adequate to carry out the stipulated terms.

Independently of this, an interview of protracted length, which, on the day previous to my departure from New York, I had had with Mr Vander-

When, therefore, I came to digest that portion of my instructions and to reflect upon it; the result was that it might probably be more politic, in the uncertainty of Mr Johnson's organizing the service, not to convey official information to the government of Nicaragua that the government of the United States had provided, by contract, for a practical operation of the route, on or about the 1st of October 1859.

I further considered that, should the uncertainty turn out to be a reality—and the sequel has proved it to be the latter—adverse to the best wishes and firm intents of the United States government, my letter of advice, to the government of Nicaragua, might, under those adverse circumstances, be perverted into an instrument of recrimination against ours. It might have said, right or wrong, as I have no doubt it would, in the latter sense, have said: The government of the United States taxes us, an impotent people, with inability, or indisposition, to fulfil our engagements, whilst they, with all their means and powers, cannot ensure the transmission of their mails, from ocean to ocean, by agents bound to them by stipulations of contract. Hence, under an impression, almost stamped with the character of a certainty, that Mr Johnson and his associates were not prepared, though they might have intended, to carry out their contract by a transportation of the mails; I deemed it safer not to put such a weapon in the hands of a government so unscrupulous, if not faithless, as that of Nicaragua has shown itself to be in every relation, established between the respective governments.

But another and, a more serious, consideration pressed upon my mind, averting its decision from the course indicated by the instructions in the premises. Some three or four days before the President had honored me with the mission, with which I am charged, information, of which, obligations of honor forbid me to reveal the source—but information, which came to me in a plausible, though unsubstantiated, form—led me to believe that the contractors, knowingly or unknowingly I cannot say, might subserve the interests of Walker and of his partisans. A memorandum, in which even some names appeared, was shown to me, exhibiting an informal agreement to convey to Nicaragua, passage free to and fro, and bound for ninety days at least, a body of men ostensibly engaged to "cut wood."

This fact, which I had occasion, and which I deemed it duty, to communicate to the President, in a private interview, and which seemed to arrest his attention, was not overlooked by me when I came to ponder my instructions. It occurred to me that if the service did go into operation on the 1st of October and the steamer, however innocently on the part of the contractors, should be used to convey the ninety days' "wood cutters" to the shores of Nicaragua, to be afterwards converted into invaders of its soil; its govern-

Walker's sudden movements of the 1st and 3d of October instant, at Mobile and New Orleans, respectively, would seem to give color to the information and to have looked to a junction with an expected auxiliary force, conveyed from New York, *had the Johnson contract* gone into effect; whilst the vigilance of the Administration, displayed in the action of the Marshall of that District, even on board of the steamer, which took up the mails at short notice, would lead to the inference that they were not altogether unapprehensive of a probable, pre-concerted, movement at the two points.

Now that, spite of the vacillations descried in Mr Vanderbilt's views, reported to the government in my No 1,[1] there is a reasonable hope that the transit-service will be shortly and firmly re-established, I shall, in the spirit of the instructions, at the most favorable opportunity, communicate the fact to the Government of Nicaragua; reserving to myself the privilege of adding that Mr Johnson having failed to comply with his contract, the government is authorized to think that other, more efficient contractors, will soon be engaged for the service. Nothing, it seems to me, has been lost by the delay; whilst I trust that the Department, considering that something may have been gained by it, will not meet such delay with rebuke.

I have the honor, Sir, [etc.].

1526

Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras, to Santos Guardiola, President of Honduras [2]

No. 1 GUATEMALA CITY, *November 11, 1859.*

SIR: Since I last had the honor of addressing Your Excellency on the 1st of October 1859,[3] I have received a Despatch from the Government of the United States, enjoining it upon me to proceed to Comayagua, and place myself in communication with the Government of Your Excellency, and upon terms consistent with the views entertained by the Government of the United States, to cooperate with the British Minister, and render all suitable aid in bringing to a successful termination negotiations for the restoration of the Bay Islands to the Republic of Honduras, their rightful owner. I am also instructed to communicate frankly to your Excellency's Government, as well as to the British Minister to Honduras,[4] the general views and expec-

[1] Above, this part, September 19, 1859, doc. 1514.

[2] Despatches, Guatemala, vol. 3, enclosure No. 1 with Clarke to the Secretary of State, No. 15, below, this part, doc. 1529.

[3] Above, this part, doc. 1519.

[4] The following is the text of Clarke's communication to the British Minister to Honduras, a copy of which was also enclosed with Clarke's despatch of November 22, 1859, below

tations entertained by my Government with respect to this question. Physically prevented by the actual feeble state of my health from a compliance with these instructions by undertaking a journey to Comayagua, I have to entreat your Excellency's forbearance to acept this apology, and permit

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Beverly L. Clarke, United States Minister Resident Minister to Guatemala and Honduras, to Charles Lennox Wyke, British Minister to Honduras

GUATEMALA CITY, *November 9, 1859.*

SIR: Since your departure from this City on the 24th October last, I have received a Despatch from the Government of the United States, instructing me to proceed to Comayagua, and upon terms consistent with the views and expectations entertained by my Government, to render such assistance in effecting successful negotiations between H. B. Ms. Government and that of Honduras as circumstances may place in my power, and to communicate frankly to Your Excellency, and to the Government of Honduras the general views and expectations entertained by the Government of the United States, with respect to the relinquishment to that Republic, of the Bay Islands.

Physically unable as your Excellency is aware, to comply with these instructions by visiting Comayagua in person, I deem it advisable to communicate with Your Excellency by letter, hoping that a thorough understanding by both parties may facilitate negotiations between the Governments of Your Excellency & of Honduras. It is a source of the deepest regret to me, that I cannot be upon the ground, as then I might assist in removing obstacles as they may arrise. Your Excellency is advised no doubt, that the treaty of August 27th 1856 between H. B. M. and the Republic of Honduras, refered to in the Second Article of the Clarenden & Dallas treaty of the 17th October 1856, [See the volume and part containing Communications from Great Britain.—Ed.] though not Officially known, was as understood highly objectionable to the Government of the United States in many respects. That treaty erected the Bay Islands into a free teritory under the sovreignty of Honduras, but it then proceeded to deprive that Republic of rights without which, its sovreignty over them could scarcely be said to exist. It seperated them from the remainder of Honduras, and gave them a Government of their own, with their own Legislative, Executive, & Judicial Officers elected by themselves. It deprived the Government of Honduras of the taxing power in every form, and exempted the people of the Bay Islands from the performance of Military duty except for their own defence, and it prohibited the Republic from providing for their defence by the construction of any fortifications whatever. It provided moreover that slavery should at no time be permited to exist in these Islands; as slavery had never existed there, and was not likely to be established there, this latter clause was wholly unnecessary, and when brought to the attention of the United States, could not fail to be regarded as highly Offensive. All the restrictions imposed upon Honduras by that Treaty were regarded as violative of her rights, in as much as these Islands were a part of her teritory, and Great Britain having wrongfully seized them, was bound to make an unconditional restoration. Instead of doing this, she required Honduras to acquiesce in the erection of these Islands into an independant State within her own limits, and a State at all times liable to foreign influence and control.

Entertaining these opinions the Senate amended the said Second Section by a substitute for the whole, but Great Britain declined to assent to this amendment, and the Treaty of the 17th October ceased to be of any effect. The British treaty with Honduras also failed to be ratified by that Republic, and thus the Clayton & Bulwer Convention, according to our construction of it, still remained unexecuted.

To avoid difficulties which this State of things was likely to produce, a Special Agent to Central America was proposed by H. B. Ms Government, who might adjust the questions which were under discussion, by seperate treaties with Nicaragua, Guatemala, and Honduras, the Govt of the United States being advised, that Her B. Ms Govt. had determined to execute the Clayton & Bulwer treaty according to the general

me to make my communication from this place— Your Excellency will be pleased to be assured that with reference to the controversy concerning the Bay Islands, which has existed between the United States, and Great Britian, it is the opinion of my Government that these Islands are unquestionably parts of the teritory of Honduras, and that their occupancy by Great Britian would have been wholly unjustifiable even though the Clayton & Bulwer Treaty had never existed. By the terms of this Treaty however, it is provided, that the Government of the United States & Great Britain, neither the one, nor the other, shall ever occupy, or fortify, or colonize, or assume, or exercise any dominion over Costa Rica, Nicaragua, the Mosquito Shore, or any part of Central America. There being no doubt that the Bay Islands form a part of Central America, their occupation by Great Britain was distinctly prohibited by this provision of the Clayton & Bulwer Treaty, yet they were seized upon by British Officers almost as soon as the Treaty had been signed, and in less than two years afterwards, they were formally erected into a British Colony. The Government of the United States lost no time in protesting against this violation of said Treaty, and in 1856, the two Governments endeavoured by supplemental treaty,[1] but failed in their efforts, to

would attain not only a titular, but a virtual and useful possession, under provisions requisite for the security of those who have settled their with the assureance of protection from the British Crown. As the American construction of the Clayton & Bulwer treaty, with reference to the Bay Islands, requires their unconditional surrender to Honduras, the Government of the United States could never sanction any limitations upon the sovreignty of that Republic over its own teritory, as were contained in the Dallas-Clarenden Convention. It therefore hopes and expects that the Session of the Bay Islands will not be encumbered with any stipulations to which either the United States or Honduras might reasonably take exception. Believing that Honduras is the lawful owner of these Islands, it cannot advise her to purchase their surrender by consenting to any terms which are inconsistent with her dignity and rights; that if any security be really necessary to preserve the rights of British settlers on the Islands, it may safely be postponed to a New Convention, when both parties shall be in a situation to treat upon equal terms. And while it is believed that the transfer to Honduras should be wholly unconditional, still their might be provissions, in behalf of private rights, or even for the benefit of *general* commerce of so reasonable a character, that their insertion in the treaty ought not to occation its defeat, even although they might more properly belong to another negotiation. Feeling assured that your Excellency is fully empowered, in accordance with the foregoing veiws, so to cary them into effect, I beg to add that the expectations of the United States herein expressed with reference to the Bay Islands, are also entertained with regard to the Mosquito teritory in Honduras. I was much gratified on our interview a few days previous to your Excellency's departure from Guatemala, to learn that your Excellency was invested with ample discretionary powers, and I trust and believe from your Excellency's assurances and the disposition of your Government, that they will be exercised to the attainment of a complete and satisfactory settlement of the pending Central American questions, between our respective Governments, the accomplishment of which at as early a date as practicable, Your Excellency will no doubt be fully able to appreciate.

May I ask that your Excellency will be so kind as to enclose to me a copy of such treaty as may be agreed upon, or may seem most likely to meet the views of H. B. M^s

adjust all the questions connected with the subject. With a view to obviate the difficulties which this state of things was likely to promote, the British Govt. proposed to send to Central America, a special minister, with full powers to adjust all questions that were under discussion in that quarter. Sir William Gore Ousely was accordingly appointed for the purpose, but although he has visited the Country, it seems, failed in accomplishing the object of his mission. Mr Wyke has been subsequently named to succeed him, and is now probably in Comayagua, fully empowered to negotiate and conclude a treaty with your Excellency's Government for the relinquishment to Honduras, of the Bay Islands. The Government of the United States has been advised that it is the intention of her Britanic Majesties Govt. to execute the Clayton & Bulwer treaty according to the general tenor of the interpretation placed upon it by the United States, and that the powers of Sir William Gore Ousely were sufficient to enable him to accomplish this purpose. Mr Wyke it is understood is invested with even more ample discretionary powers in this respect, and it may be well that your Excellency be apprised that the interpretation placed by the United States upon said treaty, requires the unconditional surrender of the Bay Islands to Honduras. Entertaining the belief that Honduras is the lawful owner of these Islands, the Government of the United States cannot advise her to purchase their surrender by consenting to any terms which are inconsistent with her dignity & rights. It is expected that the surrender of them should be wholly unconditional, yet their [*sic*] may be provisions in behalf of private rights, or even for the benefit of *general* Commerce of so reasonable a character that their insertion in the treaty ought not to occation its defeat, even although they might more properly belong to another negotiation, with what is believed however to be the present disposition of the British Government, and with the liberal margin of discretion with which Mr Wyke is supposed to be entrusted, it is hoped that the Session will not be encumbered with any stipulations to which either the United States or Honduras might reasonably take exception, and I may be permitted to add that the expectations of the United States as herein expressed with reference to the Bay Islands, are also entertained with regard to the Mosquito territory in Honduras. I have to request that your Excellency furnish me, at the earliest practicable period, with a copy of such treaty as may be agreed on, or be likely to be agreed upon between Your Excellency's Government, & the Government of Great Britian, in the premises, so that I may forward it to Washington during the ensueing session of Congress for its action, that it may be determined their whether its provisions can be regarded as a reasonable compliance in respect to Honduras, with the Clayton & Bulwer treaty.

Reiterating the assurances of distinguished consideration [etc.].

No. 1 COMAYAGUA, *November 15, 1859.*

SIR: I have received Your Excellency's appreciable communication, dated 1st Oct.r last.[2] in which you inform me of the manner in which the negotiations of the treaty of 30th April last, between Great Britain and the Republic of Guatemala, have been conducted, and also the belief which exists that, in the Foreign Office in London, a treaty has been prepared for my signature, the claim of Carmichael forming a compulsory force for obtaining its ratification, by which I shall abandon the Bay Islands, and acknowledge British occupancy and possession of them, anterior to the period of the Clayton and Bulwer treaty.

Knowing that England owes all her possessions in Central America to force alone, it is easy to infer to what point the reserve observed in the negotiation of the treaty, referred to by you, tends.— After having employed force and threats to retain them, it is not unlikely that she should, at the present day, make use of surprise, and put in motion all possible means leading to the ruin and humiliation of the country, not less than to the infringement of the right that Your Excellency's Government has of insisting that Great Britain shall not increase or strengthen her power in these countries.

In reference to the acts antecedent and subsequent to the occupation of the Islands belonging to Honduras, Your Excellency must be aware that the Government of this Republic, feeling the impossibility of reclaiming them by force, has been limited meanwhile to solemn protests before the Governments of Central America and the rest of the civilized world, against the violation of her rights, the dismemberment of her territory, the occupation of her ports and rivers, as also against every act of sovereignty and jurisdiction exercised in them without her consent.

No one is ignorant of the insults and vexations suffered by Honduras whenever she has endeavored to make the voice of Justice heard upon the subject; and, while this is still fresh in the memory of those suffering from similar conduct, I cannot understand how it could be imagined that I would sign any discreditable treaty, and surrender the indisputable right to the Bay Islands and other territory against the public voice.

Although very possibly it may be wished to make the Carmichael claim a definitively settled question, at the same time that difficulties present themselves to the arrangement of the amount, I am persuaded that the natural principles of justice are on my side.—This claim being a pure consequent, it cannot be considered settled during the pendency of the general affair out of

[1] Despatches, Guatemala, vol. 3, enclosure No. 1 with Clarke to the Secretary of State, No. 16, December 22, 1859, below, this part, doc. 1535. [2] See above, this part, doc. 1519.

withdraw from her right: However, though this should not be the case, I shall be happy to rely upon the good disposition of the United States, that Great Britain shall return the Bay Islands to the State, to whom they legitimately and justly belong.

If the spirit of impartial justice presides, as is to be hoped, it is certain that the interest and policy of the United States ought to attentively [be?] considered in this particular, which presents no difficulty; and will, in its turn, produce advantageous results under various considerations.

Having considered the 1st Art. of the treaty of 5th July 1850, copied in your protest sent to me, I must agree with the view therein expressed, assuring Your Excellency that the Government of this Republic does not wish to cause any complication of the undertakings therein contracted by Great Britain and the United States: but rather, in their respective affairs, will notify to the Governments of both nations, that they should make use of their rights in the arrangement of such an important matter.

I am sorry that Your Excellency, through ill-health, has not been able to undertake a journey to this Republic. Besides the assistance it would have been to affairs, I should have felt great pleasure in receiving Your Excellency in this Capital. I hope you will be able to do me this honor shortly, as you propose.

With feelings of high consideration [etc.].

1528

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACTS]

No. 5 PUNTA ARENAS, NICARAGUA, *November 21, 1859.*

SIR: At this Point, which I had reached on the 19th, on my way to Managua, via Realejo, I received, in the course of the night of the 20th, your Nº 5 and Nº 6, bearing date, respectively, of the 1st and the 2d of November instant.[2]

The perusal of your despatch of the latter date was not without its measure of gratification, derived from the assurance that you had been pleased to approve the propriety of the recognition of the Provisional Government of

[1] Despatches, Nicaragua & Costa Rica, vol. 5. Received December 27.

[2] Instruction No. 6 of November 2, 1859 is above, this volume, pt. 1. doc. 1125; but No. 5 of November 1, 1859 is not included in this publication. It related to vessels which the

Costa Rica, involved in the presentation of the credentials, which I bore from the President of the United States. Although that act, from all attending circumstances, was, to my mind, one of obvious and seasonable policy; yet it was scarcely possible for me to foresee the reasons, which might have occurred, to your better judgment, or have been laid before the consideration of the government, to render my course more questionable than what it has proved to be, from the approbation of the Department.

In regard to the hopes, entertained by the Department, that information might have been conveyed touching the present intents and probable results of H. B. M's Mission, committed to Mr Chs L. Wyke, it is unnecessary to state that the merest suggestions of duty would naturally have led me to seek from him substantial statements as to the present progress and likely termination of the Central American negotiations. Hence, availing myself of the vicissitudes of travel, which had brought me in contact with him, on board of the Steamer from Panama to Punta de Arenas, I did not fail in an endeavor to improve the opportunity of drawing out such information as, I knew, might be desirable. With what success, the Department will have been sufficiently informed by reference to my despatch No 1, of the 19th of September last,[1] in which I reported my meeting with him, on board of the Steamer, on his way to Guatemala. It may be that, after his general assurances of good will towards our government on the part of his, and that, even in spite of his imputations of ill will to my predecessor, whom, I think, he had never met, I might have succeeded in gathering, from conversation, something more directly bearing on matters, which it imported our government to know. An attack of sea-sickness, however almost immediately after our first conversation, confined him to his cabin during the whole of the trip from Panama to Punta de Arenas and I had no renewed opportunity of conferring with him until the unavailable moment, when the mules and the ox-carts stood at the door, ready to convey me and my family to San José.

Yet, in the course of this, the single, conversation, which I had the honor to hold with H. B. M's envoy, he had informed me that he did not expect to reach Nicaragua until the month of January or of February next; leaving the final visit of his official round for the Republic of Costa Rica. I presumed—and the sequel has justified my presumption—that, after forelaying my ground in that Republic, I could still reach Nicaragua, before his ministerial calls would take him there. It is now understood that he is in La Union, in the State of Salvador, whence, as is stated, he intends, by the Steamer which stops at Realejo on the 2d of December next, to proceed to the Capital of Nicaragua.

If so, he will find me on pre-occupied ground; and if his outward profes-

attended by personal courtesies, are likely to create between the diplomatic agents of both countries, should not, under the best understanding, result in the procurement of the information, which it is the desire of the Department to obtain and which, in view of our present Central American relations with Great Britain, it is, certainly, its right to expect.[1] . . .

In my communication of the 31st ult.,[2] I had the honor to state that, from various causes, I had been unable to reap any satisfactory information as to the articles of treaty contemplated between Great Britain and Costa Rica. My efforts, however, have been more successful since the date of that communication. As an accompaniment of this despatch, though, like the abstract of claims, transmitted in separate form, on account of its volume, your Department will receive a transcript of the projet of a treaty, proposed to Costa Rica, by Sir William Gore Ouseley, in behalf of Great Britain.[3] The original draft, which came ready printed from England and the manuscript amendments proposed, or made to it—I have no means of deciding which—up to the time when the negotiations were *suspended*, was tendered to me by Mr Jimenez, the Minister of Foreign Relations, with the request that I should return it immediately after perusal. Happening to have ample writing force, attached to my household, I succeeded, by a judicious distribution of the matter, in having it copied in a portion of a day and the course of one night; that which preceded my departure from San José. The early preparations for that departure prevented me from collating, or even perusing, the original. It is, however, still to be hoped that the necessarily hurried copy will not have been affected by such faults of either omission or commission as would prevent you from judging of the general bearing of the contemplated stipulations.

A cursory view of the projet will satisfy you that the article, stipulating for the privilege of landing troops—infinitely broader than that of the like import, in our treaty with Nicaragua—appears in the body of the document; but that no trace is seen of the article, which, as I informed the Department, is understood to have been pressed by Sir William and intended to secure, on the part of Costa Rica, a pledge that the influence of its government should be exerted on Nicaragua, on the subject of its recognizing the authority of the Mosquito King. To the absence of such an article, which, I had good reason to believe, had been submitted, I called the attention of Mr Jimenez, who, after a reference to the chief clerk, stated to me, in answer, that the article, having been introduced by Sir William, had been withdrawn by him when the negotiations ceased. The fact is that those negotiations were not

[1] This omission relates to claims. [2] See above, this part, his No. 3, doc. 1524.

[3] The pen-written copy of this draft of a treaty, written in several different hands, covering thirty-one pages is in the volume with the original of this despatch, but its text, here briefly

carried on, in behalf of Cost Rica, by Dr Toledo, the Minister of Relations; but that they were entrusted by President Mora, to the management of Mr Montufar, a lawyer of San José, who held an executive commission *ad hoc*. The relations, which exist between us, may yet enable me to procure the evidence of what, on the part of England, is considered fair dealing with us, or at least of the readiness of her agents to go beyond acknowledged instructions and secure an advantage *sub spe rati*.[1] . . .

I have the honor [etc.].

1529

Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras, to Lewis Cass, Secretary of State of the United States [2]

[EXTRACT]

No. 15 GUATEMALA CITY, *November 22, 1859.*

SIR: I have the honor to acknowledge the receipt of your Despatch No 6;[3] by the last mail; and it is with the deepest mortification and regret, that I am constrained to say, that such is the prostrate condition of my health, I am wholly unable to comply with your instructions by making a journey to Honduras.

Thus situated, I have endeavoured to comply with your wishes, as best I can, by correspondence from this Capital. I have despatched two letters, one to the President of Honduras, and the other to the British Minister now on his way to Comayagua. These would have been prepared with more care if, my strength had been sufficient, yet I hope they may meet your approbation, Nos 1. & 2. herewith enclosed, are Copies of those two letters.[4]

Immediately before Mr Wyke's departure from Guatemala for Honduras, he called to see me at my Residence, and we had a full, free, and quite satisfactory interview upon Central American affairs. He said good humouredly, that he thought our Government was to exacting and claimed to much, but that his Government was determined to put an end to this protracted contention by making such treaties with Honduras, Nicaragua, &c, as would meet the approbation and expectations of the United States.

He even stated, that although some measure of protection to British setlers, and of exemption in favour of the Mosquito Indians was desireable, and though he should seek to obtain these, yet he was instructed to yield almost every thing rather than fail in secureing the most intimate relations between the two Governments, which when once established and this last

[1] The omitted portion discusses the case of a United States citizen charged with man-

H. B. Ms, Minister to Washington, in which his Lordship informed him that the late treaty between Guatemala & Great Britian met with the entire approbation of the Government of the United States. In reply I expressed the gratification which the sentiments he expresed and the information he had given, gave me, and stated that it was a source of regret to me, that the present condition of the Central American questions as described by him, had not been communicated to me from home. After much other conversation we took leave in the most cordial manner. I do not pretend to give the precise words of our interview, though the foregoing is the substance of all that passed between us.

Since my Despatch Nº 14.[1] Dn Perro Jose Valenzuela, the author of a Protest which I enclosed to you,[2] caled to see me, and entered into a free conversation with reference to the deliberations in Councel upon the British & Guatemala Treaty of April last. He stated to me in the most emphatic manner, that at the time the vote was taken in Councel, the Government of Guatemala had no knowledge whatever of the disposition of the United States towards that treaty, except that deducible from the face of the Clayton & Bulwer treaty itself: that at the time fears were expressed in Council, that if the treaty should be agreed to, it would meet with the decided disapprobation of the Government of the United States. I handed to him the reply of the Minister of Foreign Affairs to my protest, and upon reading it, he denounced the reasons and motives therein expressed as false, and the professions hypocritical. I would not be willing that this conversation should be so used as to invoke the vengeance of his Government upon him; he is an old man, and one of the few patriots of this land, and I allude to his conversation only in confirmation of the opinions expressed in my last despatch.[3] . . .

I have the honor [etc.].

1530

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [4]

[EXTRACT]

No. 6 LEÓN, NICARAGUA, *November 28, 1859.*

SIR: I have the honor to report to the Department that I arrived at Punta Ycacos, in the evening of the 24th instant when, on my way, through this place to my post at Managua, I was detained by a fever, which prostrated me for a couple of days.

[1] See above, this part, October 15, 1859, doc. 1520. [2] See above, this part, p. 796, note 2.
[3] This omission relates to his ill health, his consequent need of a change of climate, and to

very short delay at Leon, in the hope of deriving from General Maximo Jerez some information desirable by the Department, or indicative of a more successful issue of the transit affairs.

That hope, however, has been but slightly, if at all, realized. From what I learn from the General, Mr Belly, it appears, was beyond doubt pledged to pay a bonus of $40,000 to the government at Managua, by the 15th of September last. He failed to do so and the failure subsequently brought Prince de Polignac, one of his associates, or victims, in the steamer of the 20th of September, on his way to Managua to settle the stipulated consideration *by drafts*, or to procure an extension of the time of payment. In both of these, however, he is known to have failed and, in disgust, left this country for the United States.

I am now informed, though not authoritatively, by General Jerez, that there is a statement at Managua, to the effect that Mr Belly has since paid the consideration money to Mr Marcoletta [Marcoleta], the Nicaraguan Minister in Paris. This, to my mind, does not carry an appearance of much proba[bi]lity; whilst the necessity and propriety of the indirect payment in Paris is not clearly seen. Why this complication of financial operations? Why this vicarious receipt of moneys, even through the hands of a minister, when the delay is considered? When the Government, here, is well known to be staring on an Empty Treasury and when the direct remittance of the funds, by Mr Belly, could have so ingeniously added to his other ingenious contrivances?

Another statement purports that Mr Belly is now endeavoring to sell his grant of privilege in some of the money-markets of Europe. This is based on the strength of a letter, stated to have been received in Managua; and I apprehend that if there be any truth, in either of the statements, the latter most probably exhibits the real posture of transit affairs, so far as Mr Belly is concerned.

In the meantime the question is complicated with another statement, which looks to an agreement, made by Mr Belly, with a French, an American and an English, actuary to manage the general concern and conciliate national interests. To such an arrangement even if completed, carrying, within itself, elements of dissension and, therefore, of ultimate failure, I cannot yield much of my belief. Yet General Levasseur, another of Mr Belly's associates and aids, has communicated the fact, by letters written from the very flourishing town of Felicia, where he is no doubt awaiting the opening of the transit route under the Belly grant, the Paris-paid bonus and this trinitarian management.

Under all circumstances this transit question is beset by quite as many

men in authority in the government and of influence, outside of its management, who are pecuniarily interested in the question, under its various aspects and who, in the conflict of their personal interests and in the hope of their ultimate prevalence, raise obstacles against a final adjustment. Hints to that effect have been given to me since I reached this place; and I shall consider it to be not out of the line of my duty to get at the truth of their import. But, above all, the conviction of the government of Martinez that they have failed to comply with their own stipulations, as to the mode of settling differences between their grantees and themselves; their consciousness of the fact that the decrees, declaring the forfeiture of the contract rights, were illegal and arbitrary; the fear, which they now entertain that the government of the United States will step forward and vindicate whatever of vested rights may be made to appear—this much I hold from General Jerez—in the persons of the old Company;—all of these considerations combine to make the question of the transit-route, one peculiarly fitted for continued evasions, subterfuges and tricks.[1] . . . .

With Sentiments of high regard I have the honor [etc.].

1531

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [2]

[EXTRACT]

No. 7 MANAGUA, NICARAGUA, *December 7, 1859.*

SIR: . . . In the inability, under which I am placed, of transmitting to you any information of an official character, derived from official intercourse, in relation to questions of transit; I am thrown, for data, on such statements as I am authorized to consider to be of a reliable character. In addition to what I have communicated to the Department, under date of the 28th ultimo,[3] as gathered from my conversations with General Maximo Jerez; I have reaped, from Mr Saturnino Perez, who has come here as the agent of the Jerez-Yelverton Company, items of information, which, though derived from merely informal conversations, held by him, within the last twenty four hours with the Substitute Executive Power of Nicaragua, are yet pregnant with meaning as to the intentions of that government, if honestly given out, in relation to this important transit question.

[1] This omission deals with several unimportant routine matters.

[2] Despatches, Nicaragua & Costa Rica, vol. 5. Received January 26.

The omitted opening paragraphs, two handwritten pages, tell of his arrival and prepara-

On my passage from Punta Arenas, I met with Mr Perez, who has been for sometime in the United States, and heretofore connected with transit questions as the missionary of the Stebbins or Yelverton Company, under the contract made with General Jerez. He informed me, in the course of conversation, that he had been sent by that company to see whether, in spite of the rejection of the contract by the Congress of Nicaragua, he could procure a revival of that contract and, under its provisions, provide for the opening of the transit route.

Aware that he might have intercourse with the authorities before I could; I deemed it proper, abiding the day of my official reception, to advise him to try the grounds of the transit question, as his character of the company's agent gave him an obvious opportunity to do. The result of his interview is but little encouraging, as his statement, on the honesty of which I have every reason to rely, will show to the Department.

I am told by Mr Perez that the President-Substitute with whom he had the interview, yesterday afternoon, stated to him that, though he did not feel authorized officially to discuss transit questions, yet he could say to him that the contract, made by General Jerez and rejected by the Congress, is the most unpopular that can be imagined; and that, as to the transit itself, it is not to the interest of the Republic that it should go into operation;—that there is not a patriotic Nicaraguan, who desires to see it re-opened; because all are convinced that its active operations must infallibly result in the sweeping of their country, by hordes of filibusters, under pretense of emigration and of crossing the isthmus, on their way to the American possessions on the North West Coast of the Pacific. But that, under all circumstances, should the transit be re-opened; Nicaragua is determined that it shall be so, not under the condition of any head-tax on passengers, heretofore received by the State; but in consideration of the payment of a round sum annually, which they estimate at $40,000—exactly the amount tendered, or stipulated, by Mr Belly for the grant of his privilege.

The mention of Mr Belly's name brings up this transit question in another form—one connected with his proceedings and schemes—which should properly be exhibited to your Department. By a safe authority, I am informed that General Levasseur, associated with him in all his projects and expectations, has officially written to this Government, asking for an extension of the period, when Mr Belly's obligations were to have been fulfilled, and protesting, at the same time, against any unadvised action, which might determine a forefeiture of the privilege; as he was satisfactorily informed that his principal had paid, in Paris, the consideration of $40,000, to Mr Marcoleta, the Minister of the Republic of Nicaragua. Adding that, in

by law and repaired to Masaya, some thirty six miles from this place, to attend the baptismal rites, it is said, of the child of one of his intimate friends. For this important object, which amply justifies his secession from public duties and, it may be, for the equally important purpose of participating in the impending festivities, here and elsewhere, of the Immaculate Conception and of the Christmas holidays, he has given to himself the month's leave, to which I have alluded; committing the government and the management of its Foreign Relations to vicarious hands; and starting for Masaya, on the very day and at the very hour, when I entered this town.

It might be admitted that this proceeding is in the regular order of things. Yet that it may have been a preconcerted arrangement, to avoid meeting the Minister of the United States under the peculiar circumstances;—to gain time for concerting future action and to await Mr Belly's reported return;—is highly plausible from the fact—not supposed to be in my possession, as indeed it could not be—that Mr Perez, who was subsequently admitted to speech with the President-Substitute, in advocacy of the Yelverton contract, tells me that the Substitute has formally assured him that the transit question is not within his province and that it cannot be touched until the return of President Martinez to his Executive duties and powers.

If truthfully represented to me—and the truthfulness, as at present advised, I can hardly question—what can your Department think of such a juncture in the transit affairs? For my part, impressed with the full sense of my duty, and with your instructions in hand, which, it would seem, foreseeing the very occurrence of these, otherwise, unexpected events, have so clearly laid down my line of conduct, that I cannot fail in its performance.

As things now appear they give substance to every suspicion of bad faith, on the part of the Nicaraguan government, served by ill will against the government and the people of the United States. Policy, of course, will not allow the appearance even of such suspicions in any negotiations, which may be carried on. Yet they will ever be kept in view to arm me against the duplicities and evasions, which, I am satisfied, I will have to encounter at every step in the management of our concerns. Those are unmistakably foreseen in the discussion of transit questions, which, what with the clashing interests of route speculators and the exorbitantly increasing pretensions and expectations of the government of Nicaragua, are now surrounded by complications, that did not appear to exist so lately as three months ago.

I had extended my despatch to this point, when the usher of the National

Palace called at my lodgings to inform me that the Senator-President was ready to admit me to an official reception. This took place, as by appointment, at the hour of 12 M. in the Hall of Congress, in the National Palace, and in the presence of the Ministers of State and of other dignitaries, official and ecclesiastic.

Availing myself of the courtesy of the Minister of Relations, who has issued directions to defer the hour of departure of the courier—an example, in little, of the easy suspension of laws in this country—until I could close my despatch, with the accompaniment of the Senator-President's remarks, which, from want of time to copy, I am reluctantly constrained to send in the original, with an earnestly respectful request that, after copy thereof taken for the Department, it may be transmitted back to me, as one of the documents of the archives of this Legation.

You will perceive from the tenor of the remarks of the Senator-President,[1] which, to my own personal knowledge, were prepared here by Mr Zeledon, the Minister of Relations, who arrived last night, in the very house, in which we jointly lodge, that the usual amount of hollow professions, in regard of the United States, has not been omitted in the document; while I hold it, from an authority, which cannot deceive me, that, as he humbugged my predecessor—forgive me the word—so he is among the foremost among those, who now hold that, eschewing the influences of the United States, it is time that Nicaragua should look for protection and assistance to some, foreign, European Power. These things, in connection with the Belly arrangements, in spite of Louis Napoleon's disclaimers, through his Minister in the United States, I submit, to your more searching scrutinies for what they are worth; but in doing this, I reserve to myself soon to test, in the most stringent manner, those professions and to ascertain how far they reach, in either their hollowness, or their sincerity.

In haste and with many hearted wishes for your prolonged health and, with health, prolonged usefulness to our country, I have the honor, Sir, to remain,

Most truly and respectfully [etc.].

1532

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Pedro Zeledón, Minister of Foreign Affairs of Nicaragua [2]

No. 8-c MANAGUA, NICARAGUA, *December 14, 1859.*

Among the questions to which the attention of the Undersigned, Minister

there is none, whether viewed in the light of its immediate results or of its future consequences, that stands above the question of the Isthmian route, over the territory of Nicaragua, long lying in sufferance from causes, which the Undersigned will not now inquire into; but the workings of which are not the less injuriously felt by the interests of travel and trade, nor less highly deprecated by the government of the United States.

That government, after protracted negotiations and, it may be said, not without marked forbearance, have been constrained to the conclusion that those interests, not to speak of the rights of the United States, require that this question shall cease to be considered as one, which can, either safely or justly, admit of farther delay and, as it would seem, of fruitless correspondence. Yet, out of truly respectful deference to the Authorities of the Republic of Nicaragua and, in sincere evidence of the disposition of his government, heretofore, to restrict their just action to remonstrances and, hitherto, to abstain, so far as abstaining could strictly be reconciled with their conviction of the rights of the United States, as well as of the proper pretensions of the former Republic; the Undersigned, on the reproduction of this matter, for which he respectfully solicits the timely reflections of His Excellency, the Minister of Relations, will consent, in additional, if necessary, confirmation of the friendly and expectant course of his government, to revert to a few of the considerations, which former agents of the United States have so repeatedly and, the Undersigned regrets to say, with so little practical benefit, commended to the deliberations of the Authorities of Nicaragua.

In connection with this transit question, which, the Undersigned must not dissemble from His Excellency, cannot be expected henceforward to be presented in expostulatory forms, he begs to state that, in keeping with its consistent declarations on that subject, his government asks for nothing, which the Republic of Nicaragua may not concede, not only with every regard to her sovereignty and her independence, but also with every assurance of immediate benefit and eventual advantage to her developement and prosperity. Including the right, thro' a channel, which the accidental distribution of land and water has placed under the control of His Excellency's government, of transporting their mails from one to the other of their possessions on both sides of the Continent and expecting the facilities, without any onerous or unreasonable restrictions, at war with the liberal and humanizing spirit of the age, for the conveyance of the persons and property of their citizens; the government of the United States seek nothing for themselves, which they have not been ever ready and which they are not, now, willing to concede to every other nation, which may claim the like privileges, or rights, at the hands of Nicaragua. To overlook, or to obstruct those claims must, therefore, bring the government of Nicaragua under the ban of the opinion

of christendom; whilst the disregard or the obstruction, is manifestly destructive of her own best interests, whether her commerce, her agriculture and her expansion, be looked to as a voucher for the assertion.

They ask through the channel of this communication, addressed to His Excellency, that the government of Nicaragua, with every necessity of modern progress and every warrant of international considerations, urging her to a better, a more liberal and beneficent, policy, which would have the singular privilege of befriending the requirements of the commerce of the world, of improving her own condition and of enlarging her own resources, shall pretermit a course, which others may—but which the Undersigned, with a profoundly sincere respect for the Authorities of the Republic of Nicaragua will not—qualify as narrow, selfish and suicidal, whatever her patriotic statesmen may, to the contrary, suppose and believe.

They ask that, setting no restrictions, such as they consider and maintain, have been opposed, by decrees, which they are compelled to look upon as arbitrary, in the way of this consummation, Nicaragua will speedily consider and decide—as it is in keeping with both her rights and her interests to do—that the rivers and lakes, within her territory, with the facilities of such artificial land routes, on the which the transit has heretofore been, or it may hereafter be performed, shall be held by her, not as so many separating barriers, interposed against interests of vast magnitude and universal concern, in the greatness of which she, therefore, is destined to take a part, to which she could otherwise never be called; but that, on the contrary, she will more equitably and more wisely look upon them as natural ways, which are to lead to advantages, from which her people, for all the groundless apprehensions of her statesmen, cannot ultimately but derive their ample and legitimate share.

That she will, therefore, consider and finally adjudge them to be prolongations of one ocean to the other, over which, should even the rights of stipulations and the obligations of contracts not avail, the controlling claims of civilization and the strictest amity of nations, under every substantial guaranty that can be proffered, must induce her to allow the performance of that transit without any farther obstructions, dangerous delays, or onerous requirements.

The Undersigned, in this relation, does not deem it foreign to the purposes of this note, though outside, it may be, of the province of the Department of His Excellency, to indulge in a reference, which, even should it be considered out of place, may be justified by a position, assumed by one of your distinguished statesmen, in the act of officially presenting to your Congress, on the 5th of February last, a *projet* for a *free*, interoceanic, transit route.

States in this transit question, it was nakedly maintained that the "idea" of the President of those States, comparing your isthmus, "to an arm of the sea is a futile and arbitrary one". It is not the duty of the Undersigned, nor would he venture on the presumption, of defending any position, which the Chief Magistrate of the American Union may think it proper to maintain, in the performance of the duties committed to his hands. In this instance, however, he cannot but state to His Excellency that the large experience and the high character of the agent, to whom the people of the United States have deservedly entrusted the keeping of their honor and of their rights, repel the idea of "futility" in the discharge of so sacred a trust; and that the Constitution and the Laws of the country, which the Undersigned has the honor of representing in the Republic of Nicaragua, forbid, on the part of its public servants, an approach to any thing, which bears the semblance of "arbitrariness."

Although the Undersigned cannot, satisfactorily to himself, trace the assumption to any declaration of the Executive of his country; yet, as comparisons, when properly made, are next, in equivalence, to the facts themselves; he cannot, in this instance, perceive in what way the illustration wanders from the truth, or how it can be argued of either futility or arbitrariness. Fully disclaiming any responsibility, on the part of His Excellency's Department, for this assumption, the Undersigned trusts, withal, that His Excellency, the Minister of Foreign Relations, will, on the contrary, allow him to suggest that, if any such illustration was used, *likening* your Isthmus to an arm, or strait, of the sea; far from being "futile and arbitrary", it was fitly and perfectly apposite. As a strait is a narrow body of waters, connecting two other bodies of water and, by well-settled principles, with one or two exceptions, *usable* from sea to sea and from waters to waters thus connected; so is an Isthmus a narrow highway, from one separated ocean, or sea, to another one and indicating the most feasible way of reaching from extreme to extreme. Even so is it with your peculiar Isthmus of Nicaragua. A natural duct—a usable thoroughfare, by land and by water, with a predominance of the latter, which, over the territory, that you have made yours by the act of your independence, the law of nature seems to have reserved for the enterprize, the industry and the benefit of the whole of mankind.

Yet admitting this broad fact, the Undersigned, in this question, cannot overlook the more cogent claims of the people of the United States and, therefore, the preference of the acquired rights of their citizens and of their legitimate interests over those of any other people of the commercial world. Even His Excellency, the Undersigned is assured, will not withhold the admission that, barely a score of years ago, Nicaragua, however impressed with

sciousness of them, unless stirred to it by the friendly exhortations of the government, and by the active enterprize of the people, of the United States.

The Undersigned feels the more authorized to advert to this fact, as the archives of your government contain evidences of endeavors to utilize those advantages of nature; all of which, however, proved fruitless until exerted, with more successful energy, by a few citizens of the United States. From the unexecuted project of William the First of Holland; the imperfect surveys of Garella, under the government of Louis Philippe; the plans of Prince Napoleon for an interoceanic canal, by the way of the San Juan River and Lake Nicaragua, on to the port of Realejo; down to the schemes of a speculator, to too great a reliance in whose promises Nicaragua may well attribute much of the inaction, which palsies all the great interests of her agriculture and commerce; His Excellency is aware of each abortive attempt to realize a conception, pregnant with every advantage to the domestic prosperity of Nicaragua as well as to the commercial facilities of the world.

Enough for the truth of the fact and the purposes of this communication that, though all those attempts, receiving their impetus, and acknowledging their direction, from agencies, outside of the United States, have proved, in some instances, ridiculously lame and in all lamentably impracticable; still His Excellency knows that American skill, guiding American energy, and American labor, nerved by American capital, conceived and established an easy, safe and expeditious route, of which no preceding generation, or no other people, had attempted to improve the advantages:

That the same appliances, in the course of a legitimate service, kept it up, beneficially to Nicaragua and fosteringly to her developement, until it was, it is hoped but temporarily, interrupted by a series of events, which, quite as much as this Republic, the government of the United States have reason to deplore; but which they certainly cannot allow to be now invoked as a sufficient or defensible cause for shutting up a natural highway, from ocean to ocean, a free access to which, under just and equitable measures, securing the passage from violence or misuse and due to the rights of the Sovereign States, established there, should be thrown open to the demands of travel and commerce and for the welfare of Nicaragua herself.

But an act, which can scarcely be reconciled with the merest notions of fair dealing, unless looked upon as one growing out of a mistaken view of things; yet one, which, under what circumstances soever, the government of the Undersigned has seen with decided aversion and with a dissatisfaction, not to be concealed from the government of His Excellency, is the disposal, which they made of that route, on the 15th of June ultimo, without regard to the rights of American citizens, on which the Undersigned abstains from ex-

ferences arising, under the contract, between her government and the grantees.

Upon another head, the government of the Undersigned cannot admit that, by a procedure, which it is constrained to consider a misapplication of a Legislative provision carried, through an Executive regulation, into an effect not apparently warranted by that enactment, the control of a route, a section of which, at least, was created, laid out and made practicable by American industry and American means, should be debarred the more lawful claimants. That, without any substantial advantage to the Republic, nay in disregard of rights and interests, which, according to the compromises of His Excellency's government, are still to be decided by a specific process, those rights and interests, under the operations of a delusive Decree, inviting competition, yet forestalling its effects, should be transferred to other agencies, which have so far failed to produce any of the results, justly expected by your government and as justly looked for by that of the Undersigned.

With so much, on this score, the Undersigned had deemed it his duty to detain the attention of His Excellency, when he was informed that the government of His Excellency, had resolved to annul the arrangement, which assigned that route, as a privileged one, to Mr Felix Belly and his associates. If this determination of the Republic of Nicaragua be correctly represented; the Undersigned would more gladly hail it as the indication of a better spirit, were it not that its action seems to be limited to a declaration of forfeiture and not extended to the regulation itself, by which the arrangement, protested against, was originally authorized. Yet, in passing from this point, the Undersigned cannot but express his firm hope that this act is but the precurser of the final one, which shall remove injudicious restrictions and burthensome charges from a route, in the service of which the whole world is more or less concerned. The Undersigned is so much the more justified in entertaining that hope, as he can claim for his government that, in a spirit of unselfish consideration and pretending to no exclusive use of its facilities, it has even suggested, to that of Nicaragua, the freedom of the transit under proper garanties of fairness, certainty and safety, accompanied by an observance of her good faith.

And now if the course, which the Republic of Nicaragua has deemed fit to pursue, otherwise, in the premises, be one which has hitherto been attended by disastrous consequences to her own interests, wounding at the same time the just rights of the United States; it will hardly be necessary for the Undersigned to intimate both the impolicy and the injustice of that course, in

resolution, carried into repeated action, they have given to Nicaragua evidences sufficient to dispel her most jealous apprehensions and to warrant her in a sounder and juster policy.

It is notorious to all and particularly so to His Excellency, as the worthy head of the Foreign Relations of this Republic, that the government of the Undersigned, and its federal officers moved by their own duty, as well as stimulated to vigilance by the special concern of the President of the United States, in this matter, have omitted no measure within their province and spared no interposition of their lawful powers—even to a resort to the land and sea forces of the United States, a means but rarely employed—to prevent and frustrate the very contingencies, on which, the Undersigned cannot but think that Nicaragua has so groundlessly built her fears and doubts and so indefensibly rested her apparent determination to keep the transit closed against the commerce of the world.

It does not belong to the Undersigned to indicate to Nicaragua what course good faith, self-interest, and friendly relations suggest that she shall pursue; but it is his duty, and one from which he cannot turn aside, to admonish her government against a state of transit affairs, created mainly by her own action, which the government of the United States, consistently with both dignity and right, cannot be expected longer to countenance—and one, which would inevitably beget greater difficulties than those, which now exist and which, the Undersigned, trusting in liberal counsels of your government, is pleased to think he will have less reason to apprehend.

Pretermitting for the moment, in order to avoid the extension of this already long communication, other questions of equal importance to which he proposes to call the earliest attention of His Excellency, the Minister of Foreign Relations, the Undersigned cannot conclude without the expression of a reasonable hope that but few days will have elapsed before His Excellency's government, in its spirit of wisdom and liberality, swaying the better determinations of Nicaragua, subserving the principles of justice and resulting in elements of prosperity, under the enlightened management of the Foreign Relations of the Republic, will put it in his power to inform his government that obstacles, which have nothing intrinsically insuperable, have been removed from an attainment, under every aspect desirable by both countries and that results of a more permanently auspicious character have succeeded the present state of things, which, if longer allowed to exist, is certain to prove seriously detrimental to mutual interests and advantages and equally prejudicial to the good feelings and friendly relations, which his government so sincerely desires to secure and maintain; and to promote which, between the two Republics, no effort of the Undersigned, in pursuance

tions, touched upon at the interview to which he was lately admitted, and at which he informed His Excellency that, according to the frank declarations, heretofore made to General Maximo Jerez, late Minister of Republic of Nicaragua at Washington, his government, without reference to the contending claims of rival candidates, still with all due assertion of the rights of American citizens, acquired under contract with the Republic, were making preparations for the seasonable transmission of their mails, for the West Coast of the United States, by the way of the isthmus of Nicaragua. These arrangements were contemplated with the knowledge and approbation of General Jerez, and were accompanied by a formal request that he should communicate them to his government, in order that no obstacle should be put in their way; which communication, the Undersigned is pleased to hold from His Excellency himself, was duly conveyed to the authorities of the Republic.

Since the period, when those intentions were declared, events have succeeded, which, the Undersigned, however regretfully, cannot dissemble from His Excellency, the Minister of Foreign Relations, have much contributed to shake the confidence of his government, always before entertained, in the better resolutions of the authorities of Nicaragua. He apprehends that some measure of directness will be needed, before it can be fully restored between the two countries, in which, the certainty of reciprocal benefits must necessarily rest on a certainty of reciprocal reliance. Until, therefore, that reliance will have been strengthened, by a more liberal and more re-assuring policy than that, up to this time, pursued by Nicaragua, especially revealed in an effort to convert appliances of universal concern to mere purposes of mistaken state-interests, and thereby, through the violation of rights, vested by articles of contract, to restrict the facilities of trade and travel through a great avenue, which the slightest reflection will decide to have been marked out for them; the United States feel bound to judge for themselves of the fairness of any contract, into which her authorities may enter and to give protection to such lines of intercourse as their unquestionable interests, through the agency of their Chief Magistrate, may seem to require. The declarations, on which this determination is based, were, as the Undersigned has already ascertained from His Excellency, duly brought to the knowledge of His government; and probably so, considering the time when they were made, before the promulgation of the Executive decree—the validity of which the government of the United States have denied and still peremptorily deny—had, out of a Legislative enactment, which on its face in no way authorizes it, been distorted into existence to confiscate rights of American citizens, which, the government of the Undersigned intends, shall be respected, until

In the meantime, the Undersigned can give to His Excellency, the Minister of Foreign Relations of the Republic of Nicaragua, the assurance that the measures contemplated have not been determined upon, in order to secure any particular advantage to the country, which the Undersigned represents, nor to evade the observance of any useful regulations, not inconsistent with the views, which the Undersigned has had the honor of laying down for the consideration of His Excellency; not yet, the payment of any just demand which Nicaragua may make, in her sovereign capacity. With the communication of these intentions, sustained by every muniment of right and conveyed, through His Excellency, to his government, the Undersigned, in farther deference to his duty, respectfully informs His Excellency that the arrangements, projected with the previous knowledge and concurrence of the late Minister of the Republic of Nicaragua, in Washington, for the transmission of the mails of the United States, across the Isthmus, and made before the obnoxious Executive Decree was promulgated, will be carried into effect without any regard whatever to conditions subsequently imposed.

Still, in communicating this determination, which, the Undersigned begs His Excellency firmly to believe, was not taken without full consideration, he would express the hope of the President of the United States that the injustice of the present state of things will have so impressed itself on the sounder convictions of Nicaragua, that measures will be promptly adopted to remove the existing difficulties between the two countries and to prevent their recurrence. The Undersigned has already essayed to turn the attention of His Excellency, the Minister of Foreign Relations, to the injudicious and useless course of Nicaragua in thus wasting her energies and, at the same time, calling down upon her head the condemnation of all the nations, whose destinies, looking to their present, or future wants loudly protest against her vain endeavors to convert an accidental, local position into a means of preventing the union of two great oceans, barely separated by a narrow territory, over which she happens to possess jurisdiction. The Undersigned, in the confidence, with which the statesman-like views of His Excellency have, on other subjects, inspired him, trusts that he already entertains the conviction that a wise and liberal policy, facilitating instead of obstructing the communication, would redound to her honor and her interest, while it would be acceptable to all other Powers and would secure her from any foreign intervention within her boundaries.

Should this expectation of the United States not find a corresponding action on the part of Nicaragua; but, on the contrary, only prove to be another illusion, added to the many disappointments, to which they have been forbearingly, however injuriously, subjected by her vacillating course;

Foreign Relations of the Republic of Nicaragua, that the United States, so far as respects their government, or their citizens, deny the validity of the Decree of the Executive of Nicaragua and, if necessary, will oppose its execution.

With a renewal of the hopes expressed on the various points of this note and with the assurance of his very high consideration, the Undersigned [etc.].

1533

Notes of an interview between Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, and Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, on December 16, 1859 [1]

No. 8F

At an interview had, as above stated, at the National Palace, I exposed to Mr Zeledon, from my own knowledge, that on various conferences, held between the Honorable Lewis Cass, Secretary of State of the U. S. and Genl Maximo Jerez, late Minister of Nicaragua, in Washington City, the latter was informed, so that he might convey the information to his government, that, without reference to the contending interests of transit claimants, but still with a regard to the rights of American citizens, acquired under contracts with the Republic of Nicaragua, the government of the United States contemplated preparations for the transmission of their mails, for the West Coast of the States, by the way of Nicaragua. Mr Zeledon, in answer to this, stated that his government had been made aware of the fact:

That, in consequence of those prospective arrangements, the government would be under the necessity of providing such means as, in their judgment, might be deemed necessary to secure the safety of the United States' mails in their transit over the territory of Nicaragua. This also, he said, had been communicated:

That all the answers and representations of General Jerez invariably went to assure my government that no obstacle would be interposed on the part of his; but that, on the contrary, it would extend every facility for the object in view. To the latter part of the statement, he assented:

That, accordingly, my government has every right to expect that those answers of General Jerez were either expressions or anticipations of the intents of his government and that its authorities have received orders to

That the Post Office Department of the United States would, at an opportune period, see to the transportation of their mails in the manner and by the way above mentioned and that, in the name of my government, I trusted that the Authorities of Nicaragua would provide for their every security:

That, while conferring with His Excellency, the Minister of Relations, on these intentions of my government, I availed myself of the occasion of the interview to convey to him, and, through him, to his government, that the United States had seen, with great dissatisfaction, not only the Executive decree of the 31st of May 1859, making a disposal of the transit route from sea to sea—a question, which I reserved for a more formal notice—but also the Legislative decree of the 24th of March '59, which contains a declaration annulling the contract with the Stebbins' company:

That the objections urged and maintained by my government against such proceedings, already within the knowledge of the Nicaraguan government, still existed in all their force; and that consequently the government of the United States formally deny the validity of a decree confiscating rights, on which the United States will not decide; but which they will not permit to be annulled by the act of one only of the parties to the contract—an act characterized by every mark of arbitrariness, and done in violation of the obligations of Nicaragua, as it takes away the settlement of any difficulty, arising out of the contract, from the decision of the Board provided for that very purpose by the 33d article of the instrument which equally binds the Republic of Nicaragua and the transit route Company. All of this, he stated to me, in conclusion, would be immediately submitted.

1534

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Pedro Zeledón, Minister of Foreign Affairs of Nicaragua [1]

No. 8D MANAGUA, NICARAGUA, *December 19, 1859.*

The credentials of the Undersigned, accrediting him to the government of the Republic of Nicaragua, bespeak the sincerest good wishes of the President and of the people of the United States. These wishes, which the Undersigned has been admitted to express to that government, cannot, in the discharge of one of his duties, be better subserved than by this note, which he has the honor of addressing to His Excellency, the Minister of Foreign Relations of Nicaragua.

The position of the government of the Undersigned has been one of con-

tions of which His Excellency is charged. Not only has it always been entertained in behalf of his Republic; but it has, also, on no fit occasion, been denied to other free States of Central, or continental, America.

From the day, when the feuds and dissensions of States, which every reason of peace and security should induce to closest harmony, first broke the bond of Union, which gave strength and dignity to their original compact, down to the period, when your annals, which, in the history of the civilized world, bear the record of your trials, your struggles and your sacrifices, in vindicating the liberties of your country, are suddenly disparaged by evidences of the misdoings of contending factions and the effusion of fratricidal blood; the United States, never ceasing to look, with anxiety, on all the trials, through which you have been destined to pass, still hoped that the energies of your people, guided into better channels by the wiser counsels of their leaders, would ultimately settle in the results of a carreer of prosperity, which, under institutions friendly to the developement of your industry, the hand of nature has marked out for the inhabitants of your favored lands.

Under the impulse of a genuine interest they have fostered every means, which could help your States to reach that prosperity, resulting from the establishment of free stable and enlightened governments among them. The evidence of those good wishes is amply written in the series of official notes, communicated to the Department of His Excellency, by successive agents of the United States, in pursuance of instructions of their government, of which the Undersigned is, in this instance, however an humble, still a faithful exponent.

Next to the people of the country, which he has the honor of representing, no other people, in the estimation of the Undersigned, more than the people of the States under reference—not excepting that of the Swiss confederacy—ever called, with better right, for the adoption of a federal government, or for its restoration, on the basis of a system which protects, in the enjoyment of liberty and the pursuit of happiness, some thirty millions of freemen, distributed over the confederacy, which holds the American Union in bonds of amity and power and which, for a parallel, challenges the history of ancient and modern societies.

Instinct with this idea and looking to equal destinies for the States of the centre of our continent, none of the distinguished men, who, within the last forty years, have been called to establish and keep up relations of political friendship and reciprocal interests between the people of the United States and those of your Republics, has pretermitted exhortations to this end. The solicitude of the enlightened statesmen, who are now entrusted with the government of those States, has spared no suggestions, that could sway the

the limits of her geographical position and excercises the rights of her political sovereignty, to anticipate the future and, by the timely consolidation of now scattered powers, to avert the disasters, which obvious inducements to aggression and isolated means of defence must invite on single and, it may be, distracted States. By this concentration of their powers, the United States have hitherto succeeded in guarding their political integrity and protecting their sovereign rights. To suppose that the same agency in the States of Central America, could fail to produce like results, would be to suppose—and the Undersigned rejects the supposition—that Nicaragua, in common with her kindred States, is wanting in those moral and political elements, which, in the United States, give vigor and consistency to this form of government.

But these are truisms, for hinting at which the Undersigned might beg indulgence, were it not that representing the wishes of his government, he would hold it dereliction of duty even to fail to invite the attention of His Excellency, the Minister of Foreign Relations, to subjects, which from their importance and necessity, must long ago have undergone the inquiries of his mind. But had this question never been presented to the view of His Excellency's government, and were this the first occasion, on which their reflections are called to a topic of such magnitude, the Undersigned could not approach it with more sincerity and zeal than he has devoted to his task. There are matters, so obvious in themselves that, but for the sincerity and the zeal, it might be considered out of place to commend them to men, who like His Excellency, are in the habit of looking into the elements, which go to secure the prosperity, or work to the decline, of States.

The Undersigned will not allow his mind to rest on the latter, in regard to your Republics; whilst, for the former, he finds an ample warrant in the medium, natural, social and political, in which the people of the various sovereignties of Central America are placed. He finds it in the admirable distribution of their climate, temperate and tropical, varied from the height of your mountains to the shelter of your valleys and plains. In the nature of your productions, some of them, wanting in one State, or falling under one temperature; yet compensated by such productions, in another State, and all of them, wherever found, found in an abundance of every kind. In the almost incalculable productiveness of your agriculture, which, if developed to the full of its resources, must, with other pursuits of industry, accumulate wealth in return for your commerce, domestic and foreign. In a contiguity of territory, covered by a people with an identity of language, customs and manners, pointing to an identity of social relations and polictical interests. Lastly, in the necessity of their presenting, in the array of nations, a united front, made up of the aggregate powers of the people, now uselessly, if not

to win over their people to unite themselves in one brotherhood, for the sake of their interests, their freedom and their safety.

But before this attainment can be achieved, it is necessary that the measure of the Sovereignty of each of the States, with all the rights, attached to it, should be clearly ascertained and established. His Excellency, the Minister of Foreign Relations is, even better than the Undersigned, aware that, from time to time, claims and pretensions, put forward by the Sister Republics themselves, or advanced by some of the foreign powers of Europe, have not only jeoparded the integrity of the territory of some of the States, but have actually left them shorn of a portion of their sovereignty.

The Republic of Nicaragua has not escaped this danger and, under the plea of a Protectorate over a few Mosquito Indians, in a portion of the territory which she claims, she has been for some years exposed to the pretensions of a Power, which, unless history be a perversion of facts, is not represented upon her page as always scrupulous in the choice of means, leading to her territorial aggrandizements. These tendencies, so far as they look to the continent of America, have not failed to awake the early attention of the United States. Hence the government of His Excellency, as well as that of every other of the States on that continent, has long been informed of the views entertained, and of the declarations affirmed, by the government of the Undersigned, in reference to the establishment of any political Protectorate, by any of the European Powers over one, or all, of the Independent States, existing in our hemisphere. A pretension of this nature, on the part of any of those Powers, involving an assumption of a right to control the concerns of those States, is one, against which the United States have repeatedly proclaimed their determination and one, to resist which, on any attempt to carry it into effect, they will leave no means untried.

The Undersigned will not enter into a review of the reasons, which impose this duty of resistance on the people of the United States. But the summary of them may be found in the political circumstances of the great majority of the governments, controlling the destinies of the people, who inhabit the American continent. By reason of their peculiar institutions, they have peculiar interests of their own, which, if not at war, cannot be supposed to be in harmony, with those of the governments of the other hemisphere. It is now fast running into a century since the people of the United States declared their separation from the authority and proclaimed the disconnection of their interests from those, of any European, or other Power, of the old world. A whole generation has nearly passed away from the period, when the people of the Spanish American States, induced by the example of the people of the United States, declared and proclaimed a like separation of

political interests and rights. His Excellency will, therefore, appreciate the anxiety, if not the necessity, under which the people of the American Confederacy are placed, to see that those rights and interests be maintained, distinct from those of other nations; and the more so as, the Undersigned begs to be allowed the assertion, the United States stand, before the world, as sponsors for the *System* of government, the fruitful application of which, by them, has led the people of your countries to adopt it mainly as their own.

In the probability of a speedy re-opening of negotiations, between Nicaragua and Great Britain, in relation to a Political Protectorate, claimed by the latter, over territory known as that of the "Mosquito Indians," and which, the former maintains is a part or portion of her Sovereignty; the anxiety to which the Undersigned has alluded, is specially experienced by the President, though it is associated with a conviction that the assurances, given to the government of the United States by that of her Britannic Majesty, of its readiness to adjust that question, will be realized into a speedy settlement, which shall satisfactorily terminate the controversy.

Yet in treating with that Power, which has exchanged reciprocal obligations with the United States, neither "to assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America," the government of His Excellency, the Undersigned is well assured, will carefully abstain from any stipulation, which clashing with the rights of the United States, or trenching on arrangements, subsisting between themselves and that Power, might lead to any assumption or any exercise, of dominion over a coast, which is at once "a part of Central America" and a portion of Nicaraguan territory; and thus not only complicate the political relations between them, but break also into the integrity of the rights of Nicaragua and, through hers, into those of the whole of Central America.

The Undersigned in the discharge of his duty, would respectfully urge on His Excellency, the necessity for Nicaragua, under every aspect, to settle this matter between her government and that of Great Britain, without insisting on minor conditions, which, adding nothing to the substance of her rights, might throw obstacles in the way of a final resolution and be, hereafter, invoked to justify a *statu quo*—should that be the only evil—which in the end, cannot but prove disastrous in the exteme to the interests of the Republic.

Through an official communication, addressed to the Hon: Abbott Lawrence, Minister Plenipotentiary of the United States, by Lord Palmerston, charged with the Foreign Relations of the British government, that government, in answer to an inquiry made, under date of Novr 13th 1849,[1] in the name of the United States, declared: "that Her Majesty's government do not intend to occupy, or colonize, Nicaragua, Costa Rica, the Mosquito Coast, or

The Undersigned, out of abundant caution, cannot, however, but call the attention of the Honarable Minister of Foreign Relations to the fact that, a declaration not to occupy, or colonize, is not one not to protect;—a right, which Great Britain has hitherto claimed. Hence the Undersigned, in the name of His government, which has a right so to do, would urgently appeal to that of Nicaragua to annul, by explicit treaty stipulations, any claim to protection, those of occupation and colonization being pretermitted, which might be converted into both, under circumstances requiring so *convenient* a course. But as such a course is not to be apprehended, either from previous declarations of the government of Great Britain for the last ten years, or from those, within a late period, made to the government of the United States, the Undersigned can see no reason why a prompt and final settlement of the question, whether of occupation, colonization or protection of the Mosquito territory, cannot be satisfactorily obtained, if Nicaragua shall only refrain from any stipulation, calculated to prolong, if not to defeat the negotiations, and proposed without a strict and exclusive regard to the territorial rights which she claims. In addition to this, in view of the assurances of the British government, on which the Undersigned cannot too much dwell, he is compelled to think that, if Nicaragua shall approach this question, in a spirit corresponding to the conciliatory one, avowed by Great Britain, her action cannot fail, not only to preserve harmony between the United States and Great Britain, and between those two Powers and. the whole of Central America; but also to settle forever the claims of Nicaragua, against the whole world and confirm her sovereignty over a territory, which, to her, has so long been a subject of annoyance. This expectation the Undersigned has the greater right to entertain, from the fact that, with the very incipiency of this question, his government, never swerving from the line of duty and the indications of justice, immediately perceived the equity of the claims of Nicaragua and have since advocated those claims and steadfastly stood by her rights. With these views, which, the Undersigned trusts, will have been received as a sincere exposition of the friendly sentiments of his government, he would, with an absolute disclaimer of any intention to obtrude his own notion of things, respectfully request the privilege of a few remarks, in relation to the negotiations, now pending, and soon to be resumed, between Nicaragua and Great Britain.

The Undersigned understands that His Excellency, Chᵍ L. Wyke, Her Britannic Majesty's Minister to Central America, is soon expected in

Managua to take up the negotiations, left imperfected by his predecesso
He, therefore, hopes that these remarks commended, with every disclaime
of even an intention to influence, to the attention of His Excellency, th
Minister of Foreign Relations of the Republic of Nicaragua, may lead him t
ask for a reversal in the *order* of negotiations on this matter of the Mosquit
territory. It is within the knowledge of the Undersigned that when, at a
interview, had by Gen[l] Jerez, late Minister of Nicaragua, at the Departmen
of State in Washington, with the Honorable Lewis Cass, Secretary of State o
the United States, that Minister informed him that the government o
Nicaragua had, at the instance of Her Britannic Majesty's representative
Sir William Gore Ouseley, consented to postpone the settlement of the ques
tion of the Mosquito territory to the discussion of a *projet* of commerce
navigation and amity, between Nicaragua and Great Britain, not includin
the adjustment of that question, the Honorable Secretary of State, in pointe
language, expressed to Minister Jerez his astonishment at the proceeding an
his inability to understand the course then consented to by the governmen
of His Excellency.

That course, the Undersigned, even here, does not pretend to understanc
nor will he assume the liberty of suggesting one, which might be better shape
by the sage views, which he is pleased to recognize in the great experience o
His Excellency, the Minister of Foreign Relations. Yet, in that frankness
which His Excellency's own liberal intercourse has authorized him to use, h
would intimate that a treaty is a compact between two *complete* Sovereigntie
in their moral existence, without reference to their relative power. Tha
admitting this position, which, he does not think, can be successfully gain
said, he cannot see how the government of Great Britain, who, under th
claim of a political protectorate, over a portion of territory, which Nicaragu
maintains to be her own, rejects, in so much the Sovereignty of Nicaragua
can *honestly* ask her, as a Sovereign Power, to enter into treaty stipulations
at the very time, when she taints that Sovereignty and denies a portion of it
for purposes, it may be, which the Undersigned will not take upon himself
even to intimate to the just solicitude of Nicaragua for her complete rights

It is better, therefore, as the Undersigned humbly thinks, that Nicaragua
as against the claim of Her Britannic Majesty's government, should, b
formal convention, and under the terms and conditions, of which Nicaragua
without any more specific definition, is already aware, first assert and secur
the whole extent of her sovereignty. But as within such extent she include
the Mosquito territory, which Great Britain, on the contrary, heretofor
claimed to be a section, independent of Nicaragua and under her protection
it follows that the former Power, by such claim, detracts so much from th

supposed to be concluded between parties, in the enjoyment and exercise of an unquestionable sovereignty—to settle the question of jurisdiction, to which Nicaragua prefers so just a right, and this, in order that when the two contracting parties may come to stipulate on articles, looking to friendship, navigation and trade, those articles may carry with them, on the part of Nicaragua the full obligations, resulting from the full rights, which she claims, and maintains before the civilized world. In other terms, before Nicaragua can consent to make a treaty of seemingly reciprocal benefits, she must assert her rights, to the full extent of her sovereignty, in order to receive those benefits; whilst, otherwise, she is binding herself to obligations, which, without a securement of those rights, may be, at some future day, invoked against her domestic peace, if not her political existence.

In regard to the means of averting such a contingency, the Undersigned would deem it his duty to go into a broader inquiry, were it not that he is convinced that His Excellency's government is already in possession of the basis, upon which, with a proper estimate of the pretensions of Great Britain and an equally proper appreciation of what they cannot but hold to be the juster claims of Nicaragua; the United States would be satisfied to see this question of a Protectorate, settled in a way to exclude all arrogations of the government of Great Britain and, at the same time, to maintain the dignity and safeguard the sovereignty of the Republic of Nicaragua. Although the Undersigned, hereinbefore, stated that he would not specifically refer to the mode of settlement; yet, under better reflection, he thinks that a more direct reference should be made to the manner, in which it is proposed to reach that end. That reference he cannot make in language, more appropriate and clear than that, which characterizes a proposition, originally communicated to the government of His Excellency's Republic. That proposition was first conceived, as presented through Lord Clarendon, the Minister of Foreign Relations, to the British government, by the American Plenipotentiary in London, who is now invested with the powers of the Chief Magistracy of the United States. It was then so fully approved by the government that a predecessor of the Undersigned, in this Republic, under date of the 17th of June 1853,[1] was directed to communicate, to the government of Nicaragua, the views, which the Undersigned now deems expedient to reproduce for reference:

> Admitting these Indians (the Mosquito) to be what the United States and Nicaragua regard them—a savage tribe, having only possessory

this matter as we arrange those of the same character with the Indian tribes, inhabiting portions of our own territory. An inconsiderable annuity secured to the Mosquitos for their right of occupancy to the country given up to Nicaragua, would, I believe, cause the British government to abandon their protectorate over them; assurance of this is given to the United States.

In assenting to this proposition the government of the Undersigned, he conceives, has been inspired by a sense of justice and of conciliation, at once, aiming at a just medium between the possessory claims of the Mosquito Indians and the unexerted Sovereignty of Nicaragua over the territory, which they thus possess. The Undersigned says "unexerted," because, from all the information gathered, there is but little, if any, evidence that Nicaragua ever exercised the jurisdiction, which, the Undersigned, otherwise, freely concedes to her, under the right of succession to sovereignty, which Spain held in 1786, and to which she has acceded by the act of her independence.

Nicaragua owes it to the safety of that independence, as well as to considerations of justice to the United States, to bring this question to a prompt settlement. The United States ask, as a matter of obligation, under treaty stipulations of the 19th of April 1850, and Nicaragua also requires, by virtue of her rights of Sovereignty, that the pretended claim of Great Britain, set over "Mosquitia," under a plea of Protection, shall be finally extinguished. The object of the government of the Undersigned and of that of Nicaragua is identically the same. The former insists on the consummation in view of the stipulations of treaty; the latter demands the same thing in the name of its Sovereignty. The Undersigned, of course, cannot be guilty of the presumption of indicating to Nicaragua what she should do, in her sovereign capacity; but he will beg leave to suggest that, the aim of the United States and that of the Republic, looking to the same end—the defeating of a pretension, advanced by the government of Great Britain on a pretext of protection, but held to in reality for her benefit—if the United States are disposed to consent to an arrangement, which shall put an end to that pretension, they cannot see with what degree of reasonableness Nicaragua would object to it, or trammel it by conditions, which may lead to its defeat.

Having alluded to the treaty of 1786 between Great Britain and Spain, by which the latter power asserts her rights and the former admits them over the Mosquito Territory, the Undersigned claims the liberty of herewith transmitting to His Excellency a transcript of a debate, had in March 1787, in the House of Lords of the Kingdom of Great Britain, on the subject of the stipulations of that treaty and particularly on its 14th article. It has been extracted from the Parliamentary Register, volume twenty second; and it is

British pretensions in 1859, in a matter, on which His Excellency, the Minister of Foreign Relations, may soon be called to treat.

With an apology for this protracted communication—if an apology will have been deemed necessary for dwelling on a subject of high import to Central America and essentially so to Nicaragua—and with a renewal of assurances of most distinguished consideration, the Undersigned has the honor [etc.].

1535

Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACT]

No. 16 GUATEMALA CITY, *December 22, 1859.*

SIR: Since the date of my last dispatch [2]—I have received a communication from the President of Honduras in reply to my Nº 4 [3] refered to in my dispatch Nº 14 [4] a translation of which I have the Honor herewith to forward marked Nº 1 [5] . . .

I have the honor [etc.].

1536

Beverly L. Clarke, United States Minister Resident to Guatemala and Honduras, to Lewis Cass, Secretary of State of the United States [6]

GUATEMALA CITY, *December 24, 1859.*

SIR: I have this day received a communication from Mr. Charles Lenox Wyke Her Brytanic Majesty's envoy &c to Central America a copy of which marked Nº 1 [7] I hasten to forward herewith by out going mail—

I have the Honor [etc.]

[1] Despatches, Guatemala, vol. 3. Received January 30.
[2] See above, this part, his No. 15 dated, November 22, 1859, doc. 1529.
[3] See above, this part, October 1, 1859, doc. 1519.
[4] See above, this part, October 15, 1859, doc. 1520.
[5] See above, this part, November 15, 1859, the communication from the President of Honduras, doc. 1527.
The omission relates to his failing health.
[6] Despatches, Guatemala, vol. 3. Received January 30.
[7] Wyke's communication follows:

Charles Lennox Wyke, British Minister to Honduras, to Beverly L. Clarke, United States

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

No. 8[G] MANAGUA, *December 28, 1859.*

It is the desire of the Government that in case Your Excellency has any information to the effect that Mr. Cornelius Vanderbilt is willing to propose a contract for a transit route through Nicaragua, you will be kind enough to communicate to it that which you have.

I have the honor [etc.].

Government of Honduras and myself and at the same time informing me that you are desired to communicate frankly to myself and this Government the views of that of the U. S. with respect to the relinquishment to Honduras of Bay Islands

In obeying these instructions in the letter now before me, the terms, you use in speaking of our possession and occupancy of the Bay Islands appear to me so extremely objectionable that I cannot reply to that part of your communication without giving a tone to our correspondence which had better not be introduced into it for obvious reasons.

With regard to the intentions of H. M's Govt (relative to the settlement of the Bay Islands and Mosquito questions) of which you appear now to entertain so much suspicion, allow me to refer you to the confidential communication I made to you on this subject a few days prior to my departure from Guatemala about a month ago I was induced to make that communication from the conviction the agents of our respective Governments should come to a frank understanding with referance to these matters, and I was in hopes that what I then stated to you would have been received with the confidence that such frankness should have inspired and the more so as you then expressed yourself perfectly satisfied with my voluntary explanation I have now nothing to add to what I then told you, and can only deeply regret that knowing my intentions as you did you should have allowed the Honduras Government to remain under the impression naturally enough produced by a dispatch which it appears you had written at that very time to that Government urging them in the strongest terms not to conclude any Treaty with me without first of all sending its stipulations to Washington for approval— You thus brought to bear all the weight of your official character to defeat the views not only of H. M's Government but as far as I am aware of your own Government also—for I understand that the President of the United States is extremely anxious that all pending questions between H. M's Government and that of Honduras should be satisfactorly settled in time to allow Him to announce in his next Message to Congress that no differance of opinion any longer exists between Great Britain and the United States relative to that part of the Central American question which concerns Honduras— I have now the Honor to inform you that in spite of the obstacle which you thus gratuitously placed in my way I have succeeded in concluding & signing a Treaty with the Government of Honduras which I have reason to hope will prove satisfactory to H. M's Government and cannot in any way be objected to by your own.—

With regard to your request that I should forward to you a copy of any convention I might sign, I need hardly remind you that it is not costomary to furnish documents of this nature to any one, before one's own Government is in possession of them.

Lord Lyons H. M's Envoy at Washington will learn from me all that is necessary for His Lordship to communicate to the United States Government relative to a transaction which Cannot be officially known to the Queen's Government for the next six months to come—

I have the Honor [etc.].

[1] Despatches, Nicaragua & Costa Rica, vol. 5, enclosure 89 with Dimitry to the Secretary

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Pedro Zeledón, Minister of Foreign Affairs of Nicaragua [1]

No. 8[II]. Private MANAGUA, NICARAGUA, *December 28, 1859.*

MY DEAR SIR: I had the honor of receiving your note of this date,[2] expressing the desire of your government to be informed whether I had any grounds to think that Mr C. Vanderbilt is disposed to make propositions for a transit route across the isthmus of Nicaragua.

When I left New York, Mr Vanderbilt told me, in conversation, that either he had made, or he was about to make, such a proposition, under certain conditions, relative to which I was under the impression that I had some private memorandums; but upon consulting my note-book, I find no traces of them. I think that, even in the absence of such memorandums, to the best of my recollection, Mr Vanderbilt expressed such a purpose to me.

I am, dear Sir, with sincerest esteem [etc.].

1539

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [3]

[EXTRACTS]

No. 8 MANAGUA, NICARAGUA, *December 29, 1859.*

SIR: . . . By my Despatch Nº 7, dated at this place on the 7th instant,[4] I have reported to the Department the fact of my official presentation to the Senator-President Guzman, in charge, by Legislative decree, of the Executive functions during the absence of President Martinez on leave.[5] . . .

Although unable to write, save with great exertion and pain, I could not allow any considerable portion of time to go by without coming up to the more important of the duties assigned to me. The transit question first commanded my attention; and, accordingly, under date of the 14th instant, I directed the annexed note to the Minister of Foreign Relations,[6] touching the condition of the route, the action of Nicaragua and the intentions of my government.

Next in importance to the topic of communication from ocean to ocean, I

[1] Despatches, Nicaragua & Costa Rica, vol. 5, enclosure 8[II] with Dimitry to the Secretary of State, No. 8, below, this part, doc. 1539. [2] See above, this part, doc. 1537.

[3] Despatches, Nicaragua & Costa Rica, vol. 5. Received January 30.

The omitted first paragraph reports that a citizen of the United States, under a criminal charge in Costa Rica, had been set at liberty by the Executive of that Republic.

tions, I deemed it proper to blend considerations of policy, which should induce the States of Central America to a union among themselves, with the enforcement of the expediency of Nicaragua's accepting, without unreasonable conditions, a proposition assented to by the United States, and thus foreclosing, by a speedy arrangement the pretensions of Great Britain over that territory.

Besides a resort to the pen, I have allowed no opportunity to escape, on which, availing myself of the fact that we both lodge in the same house, I could make a effort to impress Mr Zeledon with the necessity of adjusting the Mosquito question, as well as all other questions pending between our governments. I found him, as he had been represented to me a man, slow, cautious and even subtle; yet evidencing much larger views than I had been led to expect. With the directness, which is frequently the best way to get at what is wanted, I abandoned the gradual approaches and plainly inquired of him, what could possibly warrant Nicaragua in the strange course, which she seems to have adopted in this matter of the transit; here, by Legislative decrees, annulling vested rights, which ought to be decided by Judicial tribunals; and there, by an Executive regulation, which, pretending to invite a freedom of transit turns that freedom into a burlesque by a declaration of monopoly? Whether it were possible that she did not perceive, or that her statesmen could fail to convince her, that such course had already run into disregard of our claims to justice, under the rights of our citizens, and was fast driving her into destruction of her every prospect of individual benefit. Denying the disregard of the right, he would object that there are many, among the best men of Nicaragua, who are fairly convinced and maintain that the transit is of no benefit to the generality of the Republic. In this, I can bear him witness; for conversing with some of those men, they have invariably advanced the stereotyped idea that its advantages, though they might be reaped at the extremities of the route, are not necessarily diffused through the country and outside of those points. They assert, on the contrary, that when the transit was in operation, the labor required to keep it up; the higher wages, given for that labor, than the usual rates of the country; the business of transporting passengers and freights, on mules across the portion of the land route; all of these called off the hands, already too scarce, from the cultivation of the soil and materially reduced the sum of the agricultural products of the Republic.

These views, the correctness of which could be established only by reference to statistics, unknown in this country, yet which I have not failed to

[1] See above, this part, doc. 1534.

dangers of the transit, as a means of flooding the country with lawless marauders and of its re-aperture's being the signal for the reappearance of the same lawless men. How the objections are met, or the prejudices attempted to be removed, I leave it to you, Sir, to imagine. Not content, however, with these personal efforts, I have omitted no official exertion; and I await, in the midst of a temporary relaxation from business, consequent on the festivities of the season, answers to the questions, which I have proposed to the consideration of this government.

Whilst engaged in preparing an exposé of them, information of a reliable character reached me that General Levasseur, who had concluded, in Mr Belly's name, the celebrated transit convention with this government, as his acknowledged representative in this Republic, had officially advised its Authorities that the condition of the grant, the bonus of two hundred thousand francs, had been complied with by its payment to Mr Marcoleta, the Nicaraguan Minister in Paris. This announcement was followed by another one, under date of the 21st of Decr 1859, addressed to a gentleman of this place, intimating a new order of Belly affairs, a copy of which I herewith transmit.[1] Unfortunately for the new and brilliant phase of those affairs,

[1] The following is a translation from the French copy of this document, filed with Dimitry's despatch as enclosure 8E:

[TRANSLATION]

8E

General Administration
Cabinet

INTEROCEANIC CANAL of Nicaragua.
SAN CARLOS, *December 21, 1859.*

MY DEAR SIR: Everything has changed in our situation, but everything has changed for the better. I am to-day advising His Excellency the President of the fortunate changes experienced by our Transit Company, which is definitively organized under the title of Société Anonyme Nicaraguaine.[a] You will see that there is no longer any question of French, English, or American nationalities, the interests of which are entirely merged and which float only the Nicaraguan flag, under the law of which it places itself in establishing the center of transit operations at Rivas, and having at Paris, London, and New York, only administrative branches. This combination cannot but please the Government of Nicaragua, which, in this way, is master in its own country and will enjoy all the advantages of the Transit, without having to expend a cent.

The contract which I had made with you for reestablishing La Virgén route and for transportation from that point to San Juan del Sur, has not been ratified by the Board of Directors, which preferred proceeding at once to establish a railroad, the construction of which has been undertaken by the firm of Perdaux et Compagnie at Lyons, and which is investing in this work capital to the extent of 12,000,000 francs. I regret, my dear Sir, that your plans are upset by this new combination, but I believe that your collaboration in our enterprise can still be of service to us in another form, and you may be sure that in this regard you will always find me willing to serve you.

For to-day, I shall not enter into fuller details. Your good relations with the Government of Nicaragua will enable you soon to obtain the information which I have just given to His Excellency the President ad interim. Moreover I shall soon go to Managua, where I shall have the pleasure of talking with you more at length and to give you a hearty handshake.

Please accept, [etc.].

the government of Nicaragua, by an Executive decree of the 13th instant, had declared the forfeiture of his contract.

In addition to this, the matter was complicated by the arrival here of Col Cauty, one or two days after the decision to rescind had been taken, so the information was communicated to me, as the agent of a proposed British Transit Company of which more hereafter and in the sequel of this note. That event, I believe, took place on the evening of the 15th instant and, on the morning of the 16th, deeming it my duty not to trust to the slower process of a note, which was not yet completed and which would have to be translated before its import could be made known to the government of Nicaragua, I resolved to wait in person on the Minister of Foreign Affairs for an interview, the points of which I took the precaution to couch down and to read to him, in the Spanish language, a transcript of which is annexed.[1] You will perceive that so far as your instructions made it my duty, I gave, on that head what, I trust, will be deemed a sufficient exposé of the views of the government on the question of the transit service.

Considering in addition the importance, present and future, of the propositions of which Mr Cauty is the bearer—an intimation of the purport of which, I had obtained from a reliable source—and of the consequences which their acceptance may involve, in conclusion I directed some of the remarks of the conference, with the Minister of Foreign Relations to the consideration that, saving always the rights of the United States, in the vested and pre-existing rights of their citizens, still to be adjudicated, my government did not offer to interfere in any arrangement, which Nicaragua might justly make, not in violation of those rights. Yet that I deemed it proper, even in behalf of the interests of the Republic of Nicaragua, in view of the importance of the scheme, to urge upon his Excellency the necessity of maturely deliberating before his government admitted even the preliminary propositions of Mr Cauty, the agent of the proposed British transit company. I strove to impress upon him how important it was that they should not do so when a proposition, which was seemingly tempting in itself, was made to them, when by a process of diplomatic dexterity, which my government could not well appreciate and into which I had failed to penetrate, in the negotiations of Nicaragua with Sir William Gore Ouseley, she had consented to postpone her claims of sovereignty, over the Mosquito territory, to stipulate for a treaty of amity, navigation and trade, at the moment when her sovereignty was questioned in so much as regarded "Mosquitia." I respectfully

answer darkly intimated to me that he was not informed, but he did not think, that a contract was likely to be made with the agent of the British company. Thereupon the interview closed with the declaration, as I have already said, of the Minister of Relations, that the matters on which it had turned would be submitted to immediate consideration of his government.

From the relations, which I have been able to establish here—growing out of the fact, perhaps, of my ability to converse with men, in their own language, between whom and myself there might otherwise be a barrier as impassable as that, which stood between them and most of my predecessors—I have been able, in confidence, to procure and I hereby transmit to you, with the assurance of its accuracy, the syllabus of a memoir, presented by the agent of the English company, as the basis of their proposition to Nicaragua.[1] This document, offering the opening of the transit across the isthmus of Nicaragua, was submitted by Mr Cauty to the Minister of the Treasury, if I am correctly informed, on the 16th instant.

It purports that the house of Croskey, now extensively engaged in Australian transportation of passengers and freight and some others, it may be American residents, in the city of London, have entered into a contract with the British government to carry the Royal mails to Australia, via Panama. Yet that in consideration of the exorbitant charges of the Rail-road Company over that transit-route, they came to the conclusion that the conveyance of mails, freight and passengers would be cheaper over the Nicaraguan Isthmus.

Having come to that conclusion, they more wisely thought of availing themselves of the Belly interoceanic grant. But after Mr Belly's return to Europe, having learned that the transit had been declared to be *free*, and foreseeing that, under the contract, it could not be carried out, they determined to treat with Nicaragua for the *privilege*, in their own behalf. The underscorings, I beg leave to remark, are mine, as the best commentaries on the decrees of Nicaragua.

Pretending that they are connected, in the projet, with citizens of the United States, residents in London, and with the respectable house of Grinnell and Minturn in New York, who have requested them to be allowed to participate in the enterprize, they have, in order to conciliate the interests of France, also consented to offer one third of the stock of the company to French capitalists.

Finally as a condition, and stipulating for themselves, as an English company, they apply for a *monopoly* of the transit route for a number of years, to be decided by the wisdom of Nicaragua and, as a consideration for such, exclusive, privilege they bind themselves to pay a bonus to the Republic, ranging from fifty to a hundred thousand dollars; and, in farther

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This, with the clamors of an utterly broken treasury, is, in appearance at least, inducement formidable enough. Another point, however, which does not appear among the data of this summary, but which I hold from Mr Cauty himself is, if he speaks the truth, that the project contemplates, besides a mixed water and land service, by Steamers, from the confluence of the Serapiqui with the San Juan, connecting at a point, on the former river, with a road to be improved on the maccadamizing system, for which there is a contract of $300,000, passing along the slopes of the mountains, thus improved, into San Jose, the capital of Costa Rica; and thence, by a road now used—indeed the only one that, with all its horrors, may be truly so called in Costa Rica—on to Punta Arenas, the only useful port on the Pacific coast of that Republic.

If you will permit me to refer you to Mr Rives' despatch to Mr Clayton, under date, London, September 14th 1859[1] you will, as I know you would have done without this indication, perceive the immense importance, not to say the extreme danger, of such a proposition if it were to meet with acceptance. This plan was contemplated ten years ago, under circumstances, infinitely less favorable to the schemes of England, than those, under which, through the pretext of an Australo-Nicaraguan transit route, they are now presented to our view.

At the time the question of water rights between Nicaragua and Costa Rica had barely commenced to assume a conflicting aspect. That question has since been adjusted by their treaty of boundaries and, if I read it aright, Costa Rica acquired the right of passage from the mouth of the San Juan, by her Serapiqui, and through her inland ways from the Atlantic to the Pacific coast. Such a monopoly as that, conceded to an English company to transit across the isthmus of Nicaragua and, by the San Juan and the Serapiqui, through the land routes of Costa Rica to the shores of the Pacific would be formidable indeed. I have no idea, however, that it is likely to be conceded, under the consciousness, on my part, that it will be resisted to the utterance. [*sic*] Otherwise could the proposition meet with success, the consequences of it would be easily foreseen. A monopoly from Nicaragua, for a transit, in favor of an English company and a like monopoly from Costa Rica, for the same purpose, through her navigable waters, if not her land routes, would seriously threaten American interests and singularly complicate the question of interoceanic communication. I repeat, however, that my vigilance shall be specially turned to the prevention of any such result.

[1] This follows the original faithfully, but the date is evidently incorrect. Clayton was Secretary of State ten years earlier. See Rives's despatch to him from London, of September 14, 1849, in the volume and part containing Communications from Great Britain.

Further on this question of isthmian transit, I have had another interview, which, if it have resulted in nothing definite, has at least enabled me to make a point, which I consider of some importance and had the effect of allaying some fears, which I had been led to entertain from an expression of opinion, which was represented to me as coming directly from the Senator-President, now entrusted with the Executive Powers. In my Nº 7,[1] I communicated to the Department that that functionary intimated to Mr Perez, the agent of the Yelverton Company, that Nicaragua was averse to the opening of the transit and that it could be favored by no patriotic Nicaraguan. I am bound to infer, if that statement was made to Mr Perez—and I little doubt that it was, for I hold him to be true and honorable—that it was merely in obedience to the instincts of indirectness, which characterizes most of the men in this country.

Anxious to secure, on the transit question, something of a positive nature, that I might communicate to your Department, I called yesterday at the "Palace", with the intention of an interview with the Minister of Relations. To that interview I was admitted; but in the apartment of the Senator-President and with him, rather than with the head of the Department of Foreign Affairs. I immediately expostulated with him on a state of things, by which the United States felt deeply aggrieved and courteously asked him whether Nicaragua, by any possibility, thought that her present course could be pursued, without danger to every friendly relations, which should exist between the people of both countries. In the course of answers, I obtained from His Excellency the admission that he is convinced that the transit must be opened and when so, it must be by American appliances. He stated that they had had American contracts, French contracts and English proposals; but he was satisfied now that Americans, from every consideration of neighborhood, of community of interests, commercial and political, are more naturally, as they are ultimately called to open and carry on the interoceanic service.

In respectful terms I then observed to him that if Nicaragua were convinced of the imminence of that result, I could not understand why she was averse to the offer of a re-aperture, coming from an American company, the agent of which was even then at the seat of government, with propositions, which, as I had been Unofficially informed, were threatened with the prospect of an unfavorable reception. To that he answered that it was a mere resuscitation of the proposals of an old company; that the government of Nicaragua did not hold itself bound or justified, in renewing any arrangements with a company to which they had granted indulgences, as they considered the previous arrangements to have lapsed away and as they were so declared to

error, the stipulations of a contract are subjects for Judicial, or amicable, awards when differences arise and not for the decisions of an Executive or governamental decree; and that failing the mode of adjusting the question, as agreed upon in the body of the instrument itself, I was pleased to believe that there existed, at least, Judicial tribunals in Nicaragua, which, with due impartiality, were competent to decide all questions of difference, arising between the grantors and the grantees.

He still insisted, however, that the government of Nicaragua considered that a compliance with the conditions of the contract, never being commenced, they merely established the fact and in consequence of such fact, declared the lapse of the company's right under the contract, *ab initio*. To this I deferentially demurred in general terms; urging that the first right of the company, being its right of existence, under the creation of Nicaragua, limited by contract, all the other rights were derivative from that original one. That any question, arising out of the grant to the company, whether the original one of its existence, or those derived from the fact of that existence, was one, which should come strictly under the decision of the Board of Arbitrators, provided for by the instrument of contract. That Nicaragua holds that the company here failed, under that contract, and *ab initio*, to comply with their obligations; while the company, on the other hand, aver that they are not open to the justice of the complaint. But as, among the controversies, contemplated by the contract, which might arise under it, this fact of compliance or non-compliance with its requirements, constituting a dispute or dissidence, between Nicaragua and her grantees, was one which was fit to be referred to the arbitrators; so it was evident to me that those, who supposed that they could decide the preliminary question, by decrees, not contemplated by the contract, had trenched upon its stipulations between the grantors and the grantees and, under the circumstances, exercised Judicial Powers, not belonging to them.

To this he finally assented and I have recorded the fact here, for reference on some future emergency. I subsequently begged of him to say to me, as the government of Nicaragua declined to organize the transit service, under the old company, when an offer was made which could heal all differences, on the ground that they had been tried and favored and that they had no resources for the enterprize, why they did not accept the propositions, which, I thought, had been made to the government of Nicaragua by Mr Vanderbilt, a gentleman of ample means, ready, as I understood, and on reasonable terms, to restore the service on the route. The Senator-President, admitting Mr Vanderbilt's ability to establish the service, immediately added that he

tween Mr Zeledon and myself, the respective copies of which, on the subject, I add as accompaniments of this.[1] Determined to keep aloof from all claims and pretensions of candidates for the advantages of the route; And apprehensive, it may be, that any declaration of the Minister of the United States, as to propositions to reestablish the service on the route, might, without reference to those, who claim the right to perform such service, hereafter be invoked against that right, I deemed it more prudent, in a private form, to return an answer by no means positive.

Mr C. Lennox Wyke, it is my duty to inform you, presented his credentials to the Senator-President, on Saturday the 24th instant. He called on me, the evening of that day and, during the morning of the next, his call was duly returned. Mindful of your request that I should cultivate relations of good understanding with H. B. M's Envoy and to procure knowledge of his intents in his Mission to Central America, I would have applied myself immediately to the latter object; but that the presence of other visitors prevented me from attempting the task. This morning I was informed, by Mr Zeledon, that he had the day before yesterday submitted the basis of a convention for the abandonment of the Mosquito Protectorate. I immediately remarked to the Minister of Relations, that if the Envoy of H. B. M. presented a projet, which covered the clear principle of the Sovereignty of Nicaragua, I trusted that she would not insist on minor points, not essential to that principle, yet hostile, it might be, to a final settlement.

He answered that there were stipulations, proposed by Great Britain to which Nicaragua could not assent. When I asked him what they were, he stated that they were substantially some of those, which are found in the Dallas-Clarendon treaty.[2] To a request that I should be favored by a perusal of them, he replied that he will do so cheerfully; but that, for the moment, they are in the hands of the Executive and that he would communicate them to me so soon as they are returned to him. He remarked to me that he was apprehensive that Nicaragua could not yield her assent to some of the points; while he added Mr Wyke's instruction that, if the articles were not accepted, *tales quales*[*cuales*], he would retire without doing anything. This, however, I take to be a diplomatic threat, descried by me in the cautious and jejune information, which Mr Zeledon was pleased to communicate.

I was more fortunate, however, with Mr Wyke himself. He called upon me this morning and found me in the very midst of this despatch. Although hard pressed from the shortness of the time, which passes between the receipt of your despatch, on the 24th, and its answer, by this date, in order to send it over from here to Realejo in time to meet the Steamer, which comes on the

when he answered me that his required him to deal in equal fairness and good will. Though, he was sorry to say, he had not met a like spirit, in my colleague in Guatemala, who had written to the government of that State a violent diatribe against his government. I suggested to him that without denying or admitting what he was pleased to say, I could not take upon myself to judge of the propriety of what an American agent abroad, in the discharge of his duty deemed it fit to say or to write.

He insisted, however, that he had told Mr Clark what he was about to do — that his intended action seemed to meet his approval; but that on the conclusion of his labors, my colleague, in the Hope of a protest, addressed a communication to the government of Guatemala, fiercely abusive of Great Britain. If abuse, in the management of public affairs ever be allowable, I do not know that any amount of it and of that character, could be misdirected when applied to some of the acts of England. Yet it seems to me that a *protest* addressed, in this case, to the government of Guatemala, was sent the wrong way.

I have not yet been able to see the treaty concluded between Great Britain and Guatemala; yet, though Mr Wyke assures me that it is all correct, I am inclined to believe that England has secured by it an enlargement of territory. Belize, or British Honduras, as it is conveniently called, may have been left out of the reach of the Clayton-Bulwer Treaty, as it stood prior to the 1st of January 1850; but it was so left, with limits undefined, or with pretensions to territory, which Guatemala had once claimed as her own. It certainly would seem that, if she has abandoned, or if Great Britain has acquired from her, any portion of territory, which was not firmly and *bona fide* her own, the latter has acquired some territory in Central America, in which she can exercise dominion and power. This question, however, belongs, not to my province, but to that of my government.

I have gathered from Mr Wyke that he met an easy success in Honduras. He informs me that he has concluded a treaty, not yet ratified, to restore the Bay Islands to the Republic, with stipulations for the rights of property acquired there by British settlers, with the additional right of remaining in the islands, or of disposing of their property should they elect to emigrate.

In regard to the Mosquito Protectorate, he cursorily communicated his purposes to me; And so far as Mr Zeledon has intimated to me and I can derive from Mr Wyke's succinct statements, I see a blending of the main principles of the Dallas-Clarendon Treaty and of our own proposition for an annuity; with the addition of a free port, or town, at San Juan del Norte, with the right, for its inhabitants of trial by jury, before their own magistrates. This, I believe, already exists there. The port of San Juan del

interior, for domestic consumption, are to be liable to the same duties, that are paid on similar goods, entered from other ports. This so far wears an appearance of fairness, which I shall be better able to test, when Mr Zeledon's courtesy will have procured for me the basis of the Convention, proposed by Mr. Wyke. What its result may be, there is nothing yet before me that would justify a safe conjecture. Mr Zeledon ['s?] intimations lead to an idea of disagreement while Mr. Wyke's representations mainly concur with our own views of what ought to be done, in order to put an end to this irritating question. If, on scrutiny of the proposed articles I shall find them to be entirely in conformity with those views, I shall not withhold from them a hearty support.

In closing this despatch I would have liked to be absolved from the necessity of calling your attention to the accompanying copy of the Treaty, between the United States and Nicaragua, ratified by the Congress of that Republic on the 22d of July 1859. You will perceive that it appears in the Spanish language only and bears no signatures of Plenipotentiaries. Mr Zeledon, the Minister of Relations explains this untoward circumstance in a manner, which may be admissible, but yet which cannot cure a fatal defect. He tells me that when the Congress met to ratify, he sent a copy of the treaty in the Spanish language and in that form it was ratified. When it came back from the hands of Congress to the Department of Relations it [said?] that Genl Lamar, my predecessor, had left the country and that there was no United States Minister for the purpose of co-signing the instrument with the Minister of Relations, appointed *ad hoc*.[1]

I deeply regret that my powers do not extend to the case. Were they sufficient, I would immediately have drafted the treaty in both languages, omitting the clause, which has been struck out, and would send it duly signed to Washington in proper form for ratification. As it stands, it is but a blank piece of paper; save that it contains the decree of the Congress of Nicaragua, authorizing the omission, which works a repeal, of the offensive clause of the 16th article. Surely nothing can be done to remedy this oversight—if it be oversight.

I have learned, late this evening, that the government have rejected Mr Cauty's proposition in the name of the British transit company across the isthmus of Nicaragua.

I have the honor [etc.].

[1] For the negotiation of this Lamar-Zeledón treaty, which was never completed, see above, this part, Lamar to the Secretary of State, No. 43, March 20, 1859, doc. 1494, and associated documents. The lack of signatures which Dimitry laments does not apparently apply to the treaty as originally signed, since the copy, in Spanish, filed with his despatch, copies the signatures to the original treaty in the usual place. The offensive clause of the 16th article,

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

B[9] MANAGUA, NICARAGUA, *December 29, 1859.*

The undersigned had the honor to receive yesterday from the hands of Mr. Alexander Dimitry, Minister Resident of the United States near this Government, his valued despatch of the 19th instant [2] and accompanying copy which after translation, (the Undersigned) had the honor to bring to-day to the knowledge of His Excellency the President of the Republic.

The Minister Mr. Dimitry may be sure that his friendly suggestions and observations with regard to the necessity of adjusting with Her Britannic Majesty the question as to the Mosquito Territory are duly appreciated and will be borne in mind in the negotiations initiated by the Minister of that nation, Mr. Charles Lennox Wyke.

The undersigned has the honor [etc.].

1541

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [3]

[TRANSLATION]

F[9] MANAGUA, NICARAGUA, *January 24, 1860.*

On December 28 last, the undersigned, Minister of Foreign Relations of the Supreme Government of Nicaragua, had the honor to receive the kind despatch of His Excellency Mr. Alexander Dimitry, Minister Resident of the United States near his Government and that of Costa Rica, dated December 14,[4] regarding the matter of a transit route from the Atlantic to the Pacific via the Isthmus of Nicaragua.

The translation and consideration of the extensive contents of the despatch in question, as well as many other matters of which Mr. Dimitry himself is aware, did not permit the undersigned to give it until now the answer which it requires.

As His Excellency the President of the Republic had decided, however, to call an extra session of the chambers for other purposes, nothing is more ap-

[1] Despatches, Nicaragua & Costa Rica, vol. 5, enclosure B[9] with Dimitry to the Secretary of State, unnumbered, below, this part, January 30, 1860, doc. 1543.

[2] See above, this part, doc. 1534.

propriate than to submit to them the latest status of this affair, and the contents of the despatch of His Excellency Mr. Dimitry, as everything which has heretofore been done in this matter has been done with the consideration and the approval of the Legislative Power.

It is for this reason and because at the same time there is being prepared with Mr. Rosa Perez, the agent authorized by the American stock-holders of the former interoceanic canal company a settlement or compromise of the claims of the said stock-holders, to expedite the prompt opening of the Transit Route, since the latest steps of the Legislative Power in the matter and subsequent efforts have not brought about this result, that the Government of the undersigned, while refraining from analyzing the contents of the despatch of His Excellency Mr. Dimitry, has authorized the undersigned to advise him accordingly, in reply to his esteemed despatch to which reference has been made.

The undersigned has the honor [etc.].

1542

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Pedro Zeledón, Minister of Foreign Affairs of Nicaragua [1]

G[9] MANAGUA, NICARAGUA, *January 26, 1860.*

The Undersigned, Minister Resident of the United States in Nicaragua, has had the honor of receiving His Excellency's, the Minister of Foreign Relations, note of the 24th inst:[2] in answer to his communication, bearing date Decr 14th 1859.[3]

The Undersigned most cheerfully bears testimony to the various causes, arising out of the fulness of his own note, out of the necessities of translation, and out of the intervening calls, on the time of His Excellency, personally within his knowledge, which rendered the delay of acknowledgment of that communication, inevitable.

The Undersigned, however, is gratified to think that the views of the United States, laid before the government of Nicaragua, through the channel of His Excellency, the Minister of Foreign Relations, in the spirit of frankness and of amity, which has, all along, swayed his government in the question of the Isthmian transit, should have commended themselves to the direction, which His Excellency, the General-President of the Republic, has determined for them. Properly appreciated by those, for whose farther consideration they are intended, they cannot but be admitted as a just exposi-

head.

The Undersigned can not allow himself to be placed under the injurious imputation of doubting, for a moment, that the action of the government of this Republic could have been exerted, in the transit-question, in a manner which was not, either deliberate, or referable to Legislative enactments. But he will beg His Excellency, the Minister of Foreign Relations to allow him to state that, under equal deliberation, and one of very long standing, the competent authorities of the government of the United States had been forced to the conclusion that the results of the deliberate action of Nicaragua have proved as prejudicial to the interests of commerce, and as aggressive of rights of their citizens, as if such action had been taken in precipitance, or exerted without warrant of law, actual or supposed.

The Undersigned, however, is additionally rejoiced to be informed by His Excellency that, by an arrangement in progress with Mr Rosa Perez, the authorized agent of the American stockholders of the "old interoceanic canal company", a re-opening of the transit, across the territory of Nicaragua, may be speedily expected. This announcement of a compromise, if it shall reconcile all previous difficulties and safeguard the rights of American citizens, which the government of the United States have hitherto held it to be their duty to urge and to maintain, will, the Undersigned begs leave to assure His Excellency, not only be received with satisfaction by that government; but it will also be a substantial earnest that the best interests of the people of Nicaragua are, thenceforward, to be intimately linked with the best interests of the people of the United States, in one garanty of reciprocal advantages, and prosperity.

With a renewal of his most sincere respect and of his very high consideration, the Undersigned [etc.].

1543

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACTS]

NICARAGUA, MANAGUA, *January 30, 1860.*

SIR: . . . The matters, confided to me, are progressing slowly, as all things do in this country; but I am pleased to be able to acquaint you with a better prospect of their termination than I had hoped for a month ago. It

[1] Despatches, Nicaragua & Costa Rica, vol. 5. Received March 1. No serial number is on the original of this despatch, but from the enclosure designations it is evident that it should have been No. 9.

lay, at least, many fears which, I could not but see, had taken possession of the minds of some of this people as to supposed intentions of the United States, in regard to Nicaragua. There is no doubt that many of them think that our people look upon it as a necessary adjunct to their existence; and hence that there is a standing and ultimate design, on our part, to possess ourselves of its territory.

Were so preposterous an idea held only by men in relatively inferior positions, in this peculiar system of society, it might harmlessly pass into the great mass of vulgar errors and vulgar prejudices. But it is entertained by some men, whose standing and influence give character to the notions, which they disseminate in regard of this subject. My study has been, by the mildest and most suasive representations, to dispel them, whenever they have come up in the free and somewhat friendly intercourse, which I have established with several persons of note in this Capital. . . .

By my N° 8,[1] I had the honor of informing the Department that Mr Ch^y Lennox Wyke had, on the 24th of Dec^r '59, been admitted to an official audience, for the presentation of his credentials to the Senator-President of the Republic. The fact was, at a later period, officially announced to this Legation; and that announcement I now transmit to the Department in form of copy annexed.

As a means of smoothing the way for the progress of my mission, I judged it proper, in compliance with your recommendations, to invite the attention of Nicaragua to certain friendly suggestions on the expediency, for the Republics of the centre, to re-unite themselves in the bonds of confederacy;—to enter into various considerations, looking to such an object and, at the same time, particularly dwelling on the necessity, on the part of Nicaragua, to settle the Mosquito territory question with her Britannic Majesty's government. A copy of Mr Zeledon's answer to that note, dated Decr 29th 1859,[2] you will, find as an accompaniment.

On the 2^d instant, through a note of Mr Cortez, in charge of the Department of Relations, during Mr Zeledon's absence, the Legation was informed that, by a decision of the government, of the 1st inst: copies of both of which, notice and decision, are annexed, President Thomas Martinez had, on the latter day, again taken charge of the Executive Powers of the Republic. This announcement was duly acknowledged by my note, of the same date, which is herewith enclosed.[3]

Aware, from antecedents probably not unknown to the Department of State, and indeed, from the opinions generally received here, that Mr Cortez, the Minister of the Interior and War Departments, is any thing but friendly

[1] See above, this part, December 29, 1859, doc. 1539.

to the people of the United States, if he have [*sic*] not been their evil spirit in this administration; I was reluctant to broach any of our questions with him, during his management of the Department of Relations, in the absence of Mr Zeledon, who, on the 30th ult: had left the seat of government, officially to receive a new Bishop of Nicaragua, at Realejo, and incidentally to visit his family in Chinandega.

Out of policy, however, I determined to pay him my respects, on his accession to the Department of Foreign Relations. This was, accordingly, done on the 3d instant. In spite of my resolve, the question of the transit, coming up almost immediately, and being introduced by Mr Cortez himself, I could not but depart from my previously settled purpose. An occasion being thus offered, I expressed to him a firm hope that, whilst the management of the Foreign Relations of Nicaragua was in his hands, his efforts might be applied to bring his government to a speedy arrangement of a matter, which mine was resolved should be settled without unnecessary delay. He was referred to my note of the 14th of Decr 1859,[1] addressed to Mr Zeledon, as conveying the views and embodying the intentions of the United States. That note, I stated to him, had been resorted to as a renewed testimonial of the willingness of my government to believe, though the course of Nicaragua might otherwise suggest, that she was yet ready to defer to the demands of justice and of right.

He said, in answer, that he had just assumed the charge of the Department, in Mr Zeledon's absence and that he had not yet taken cognizance of the note. I told him that it contained the last conclusions to which the vacillations of Nicaragua had led the President of the United States; and I trusted that the month would not go by without the government of the Republic's putting it in my power to convey to mine the announcement that She had adopted a steadier and juster rule of action. He replied to this that the matter was *en tramite*—the word means "path" and is a favorite one, with all of them, to put off questions, when hard pressed. I observed to him in a jocular tone, but with serious emphasis, that I hoped it was a straight one and that the issue from it might find Nicaragua in a fair attitude before the world, whose interests, in trade and travel, had been deeply prejudiced by her past course.

I availed myself of the occasion to impress on Mr Cortez that, at an interview with the Senator-President, while he temporarily swayed the affairs of State, upon my urging on him considerations why Nicaragua should promptly decide this question and decide it with reference to parties, with which She first entered into contract, he, though demurring to the rights of those

the work. This expressed opinion of the Senator-President was the more cogently pressed upon him, as I had been reliably informed of his opinion that, the old company, being a Nicaraguan corporation, is, therefore, exclusively subject to the laws and decisions of Nicaragua; and, in addition to this, I had been led to believe that the creation of a species of private board, composed of two leading men, in the Department of Granada, to entertain Mr Cauty's propositions, mentioned in my Nº 8,[1] had received his countenance. Hence the reason why I so strenuously insisted on the declaration of the Senator-President.

Alluding to the charge of the Department of Relations, committed to him, he introduced the question of the Sovereignty of Nicaragua over the Mosquito territory. His views, in the course of his remarks, seemed to bear particularly on the reservation, contemplated for the Mosquito Indians, on the freedom of the port of San Juan, and the right of trial by jury for its inhabitants. I told him that all those questions were agreed to be settled on the bases, laid down in the Dallas-Clarendon treaty,[2] and that although that treaty was not ratified, not on account of any of the points under inquiry, still it contained a statement of principles, admitted by Great Britain and, with a few slight modifications, by the United States. That upon those and other points there existed a good understanding between our government and that of her Britannic Majesty. Hence, if the latter proposed nothing, in the main, inconsistent with them; an arrangement, in harmony with those principles would be acceptable to the United States and hailed as the termination of a controversy, in which, if further prolonged, Nicaragua must certainly be damaged.

Returning to our own and more immediate concerns, I earnestly pressed him to promote the termination of the transit question, within the shortest delay and, in the meantime, to be pleased to communicate to his government the views, which I had the occasion to present to him. He answered that, as he had already stated to me, the question was *en tramite*, or under consideration.

Anxious to improve even the least opportunity of advancing the settlement of our affairs, I touched upon the question of our claims, into the justice of which Nicaragua had proved indisposed even to inquire. I urged on him that, where there was such a difference of opinion, as existed between us and Nicaragua, in regard to those reclamations, the only fair and safe way was to hand them over to arbitration. That this was the tendency of all civilized governments in cases of like nature. That we had lately concluded conventions of this character with New Granada and Paraguay, the ratifications of which were pending, if not already exchanged; and that the instructions of

return.

In connection with the Mosquito Protectorate, touched on, in one of the preceding paragraphs, I do not deem myself at liberty to pass unnoticed a conversation, had with the President, Genl Martinez, and which, although of an entirely private character, still seems to demand some mention of it to the Department. On a mere visit of courtesy, on Sunday the 8th instant, in the course of a free and most friendly conversation, the President inquired whether I had seen the treaty concluded between Great Britain and Honduras; and what I thought of the form of recognizing the sovereignty of the latter over her congruous portion of the Mosquito territory, as between herself and Nicaragua and as laid down in the instrument. I told him that I had not yet been able to procure the body of the treaty itself, but that from an analysis of it, which I had met in a newspaper of the day, I considered that the form of expression might be admitted with safety. He said that he, too, was pleased with it; but that, so far as Nicaragua was concerned, he would require, in the proposed treaty with her, that it should be stipulated, not that Great Britain recognizes the Sovereignty of Nicaragua over Mosquitia; but that it should be declared that She restores—*restituye* was his expression—such Sovereignty to Nicaragua. From this intention, I strove, in the most respectful manner, to divert his mind. In declaring that She restores such Sovereignty, England, I urged, would, by inference, be declaring that, at some time and in fact, She had unjustly taken it away from Nicaragua. Now that form of expression might envolve and implied confession of wrong, which Great Britain could not be expected to register, even by implication, in the stipulations of a treaty. I attempted, therefore, by every cautious consideration and by apt arguments, to remove any insistance on mere technicalities of language, which might endanger the successful result of the negotiations. That if any thing, therefore, were proposed to the Republic, not repugnant to the settled policy and the friendly desires of the United States, it would be to her interest to give it mature deliberation and not dwell on considerations and demands, which better estimated, might prove to be of a secondary order. What Nicaragua wishes is that the family of nations should be informed that hers is the Sovereignty over Mosquitia and that Great Britain, by the form of recognizing that Sovereignty, placed her in that attitude before the world. At this point the nature of the conversation was changed.

As this despatch is written in the order of events, in keeping with the dates, to which they are referable, in my memoranda, it falls in the line of my duty to report to the Department a circumstance, which will properly find its place here. On the 10th inst: I was informed, from a reliable source,

had been selected to receive and consider Mr Cauty's proposition for the projected transit route. Of Mr Vegas I knew but little, except as a politician of much influence, it is said, because of ample means. The other, Mr Guzman is the Senator, who was appointed, by act of Congress, to discharge the Executive Powers, during the absence of General Martinez. At that time I had an interview with him in presence of Mr Zeledon, in which I exposed to him frankly and unreservedly the views and resolutions of the President. In that conference, as you will gather from my Despatch Nº 8 of the 29th of December 1859,[1] he admitted that, under all circumstances of neighborhood, of political considerations and of reciprocal advantages, he had come to the conclusion that the transit across their isthmus was marked out for the agency of the "North Americans". If he spoke his sincere thoughts to me then, his action as a member of that commission, sitting on the offers of an English company, may be foreseen with some degree of probability.

Still, having, on the 10th instant, learned that such a commission had been instituted at Granada, the hot-bed of opposition to every thing American, to entertain the proposals of the English company to open the transit, which may have been modified from the original ones transmitted to the Department, with my note of the 29th ultimo, I immediately proceeded to the national "Palace," whither I sought and obtained an interview with Mr Rosalio Cortez, in charge of the Department of Relations, in Mr Zeledon's still continued absence. Without any preamble, I broached the question of the Commission, stating to him that I had learned with astonishment, not to give expression to another feeling—which would have been one of indignation had it been fitly uttered—that such a commission had been authorized by the government. I stated to him, I hoped, as he assumed the management of the Foreign Relations of the Republic, that from my conference, with Mr Zeledon, of the 16th of December, on written notes—from the results of an interview with which the Senator-President had honored me—from my official note of the 14th of December last,[2] now in the Department, which he was conducting—and from my own conference with him—he had been possessed of the resolutions, to which my government had come on the subject, whether of the transit *per se*, or of the rights of American citizens, acquired under contracts with Nicaragua.

He essayed to enter into what would have been but a renewal of stale discussions on both the topics; when I respectfully submitted to him that I had not come to the Department for the discussion of questions, which the United States considered to be now without its pale; but to protest against any measure, which (admitting the right of Nicaragua to perform all acts

transit with any difficulties or bring the rights of our citizens into jeopardy. I added, if he were otherwise uninformed, and for fear that he might not be thoroughly apprized of the views of my government, communicated to his on three several occasions, I would proceed to put him in possession of them. Thereupon I drew forth your instructions—with which I had prepared myself—and orally translated such portions as I deemed necessary to enforce the views of the President. I must say that he remained for a moment abashed.

When he resumed the conference, he again recurred to the threadbare considerations, with which they have, I fear, been studiedly eluding and illuding the government of the United States. To this I again put a stop by telling him that I had an unexpected opportunity of writing to my government—a courier of the British Minister, of which, however, I did not avail myself—and that in view of Mr Cauty's proposition, the original tenor of which I had in my possession, and of the Commission, purported to have been raised by the authorities of Nicaragua, I wished to know what was meant, so that I might convey its import to the Department. Thus directly interrogated and pressed, he admitted that there was such a commission—I have, since the interview, learned, with what degree of truth, I know not, was his work—but that the propositions having come from a company, which offered high advantages, Nicaragua did not wish to appear unwilling to listen to them and that the authorities had, consequently, referred the matter to the Commission to which I have alluded.

I observed to him that it did not belong to me to inquire into any policy, which the supreme authorities of Nicaragua might choose to pursue, in such a delegation of their powers; but that it was my duty to remind him, as I then did, that any arrangement, which might go to hamper the transit, or impose upon it any onerous or vexatious restrictions, or infringe vested rights of citizens of the United States, their government would surely and inevitably resist. This he answered by stating that there was little probability of an arrangement hostile to the United States. That he had come to the conclusion that the transit, *if opened*, had to be so by the "North Americans." But that the government could not entertain any proposition from the "White or Stebbins company"; that Nicaragua had been *hum bugueado* —the word is his—humbugged by them and that she would now make arrangements with any American company, which should give them ample security.

In answer to this I took special care to remind him that the government of the United States had all along abstained from espousing the rival claims

have escheated, through the action of Legislative or Executive Decrees.

He here interrupted me, saying that we, in the United States, seemed to be in error on this point. That the lapse of the rights of the company had not been declared by a Decree of the Executive; but that it had been so by a Legislative enactment of the Sovereign Congress. I replied to him that we did not mistake so far as he conceived. That the Legislature is one branch; the Executive another; and the Judiciary a third, branch of the Supreme Powers of Nicaragua. That one of them, the Legislature, had thought proper to decide rights under contracts and another, the Executive, by its approval, to confirm this decision, which should have been declared by the third power, the Judiciary, through its lawfully constituted tribunals, or, better still, by the arbitration, stipulated by Nicaragua, in the 33d article of the contract. The conference ended here, with a renewed protest of mine against any arrangement that could, in any way, clash with the rights of citizens of the United States.

Your despatch of the 2d ultimo [1] calls my attention to the solicitude, with which the Department was then awaiting the result of my co-operation with Mr Wyke in reference to the settlement of the question of the British protectorate over the Mosquito Territory. All my thoughts and acts, on this subject, have been marked by a like solicitude. On the 29th of December last, I wrote to my government [2] that I had a frank and cordial interview with Mr Wyke and said to him that, were it not my own inclination, it was made my duty to have a fair understanding with him, when he stated that he too was instructed to have intercourse of the like character, with me.

Almost immediately after that period, Mr Zeledon, between whom and Mr Wyke the preliminaries of the Mosquito question, had been gone into, was called away from this Capital, for reasons, which have already been communicated to the Department. I then understood that Mr Cortez, who had been entrusted with the duties of the Office of Foreign Relations, would continue, with Mr Wyke, the negotiations initiated with Mr Zeledon. Knowing from his own statement that he would not be back for ten or twelve days, I deferred, until his return, formally communicating the purport of your instructions of the 22d of September '59,[3] although I gave an insight of them to Mr Cortez in one of our interviews. In the meantime, I sought one with Mr Wyke, for which purpose, I called on him on the 4th instant. Among other things, I invited his attention to the fact that though the Dallas-Clarendon treaty [4] might be fairly considered as containing an exposition of the views of both our governments, on the subject of his mission here; still that there were, as he knew, a few points to which the Senate of the United

[1] See above, this volume, pt. I, doc. 1126. [2] See above, this part, doc. 1539.

States had demurred. Gradually coming down to my point, I adduced, for instance, the 3d condition appended to the 4th article of the treaty. I expressed to him my doubts as to the fitness of that condition, whether considered under the Dallas-Clarendon or the Clayton-Bulwer arrangements. That condition garanteed all *bona fide* grants of land, beyond the reserved district, made by the Mosquito Indians, after the 1st of Jany 1848. I was willing to admit the virtue of that guaranty for lands granted down to 1850; but I did not think that after such period, the 3d condition could either fairly or safely enter into an arrangement between Great Britain and Nicaragua. To this he answered that the branch of the article referred to must be a condition of that arrangement with the government of this Republic. On this point, and with this declaration of his, I did not deem it prudent further to press the matter with *him*, aware that Mr Zeledon would soon be put in possession of the views, entertained by our government, in a more direct form than that of suggestions, in private conversations.

Being informed of the expected return of the Minister of Foreign Relations, I again called on Mr Wyke, on the 11th of January instant and verbally re-iterated to him the expectation of my government that some modifications, which it desired and which did not appear to be unacceptable to his, would be kept in view in the contemplated convention between Great Britain and Nicaragua. I gave him the substance of your instructions on this head and as he had, on a previous occasion, extended to me the courtesy of looking at a despatch of Lord Lyons', I returned it by affording him a perusal of that portion of your instructions, which directed me to inform the government of Nicaragua of the views of the United States and to communicate my action to H. B. M's Minister here. I inquired whether he was informed that those views had so far met with acceptance, at the hands of his government, that Lord Napier, in 1857, had presented a projet in accordance with those views? To this he replied that *he had no knowledge of them.* I again reverted to the character of that 3d condition and endeavored to point out to him its irrelevancy to the settlement of the question. He immediately answered that a like agreement had been made with Honduras and that the condition was one *sine qua non.* I insisted, however, that if the condition was held to, it ought to be restricted in its intended operation, especially as no one could tell what grants had been made, and to what extent, by the Mosquito Indians since the first of January 1848. No change however, seemed to have been made in the view of the Minister

had passed over to Mr Cortez and that they had continued with him up to his return.

I observed to him that I regretted being deprived of the privilege of looking into the propositions that were then on the *tapis*, as I deemed it due to the United States that they should be apprized of the terms of settlement, put forth by Mr Wyke. He replied that I might rely on his shortly affording me an opportunity of seeing them. I then, according to your instructions, which authorized me to furnish him with such portions of your despatch No 3[1] as I might consider subservient to the ends in view, handed to him, in a Spanish translation, such selections as I deemed useful in the premises. Six days ago he delivered to me the projet of a convention; but I soon discovered from some marginal notes that it was that, on the basis of which, Mr Cortez had been treating with Mr Wyke. To my purposes it was comparatively irrelevant. Knowing that the conferences were drawing to a close, I yesterday applied to him to allow me to examine the propositions, when I procured from him the privilege of perusing, not the bases, but the instrument itself, signed on the 28th instant. On this I shall abstain from all comment.

Those portions of it which refer to the abandonment of the protectorate, the sovereignty of Nicaragua, the dispositions agreed upon for the Indians, the provisions in relation to their government, the grants of lands made by them since the 1st of January 1848, the stipulations for the port of Greytown, I had copied, and, leaving out the mere stipulations, in regard to the creation of commissioners, I have the honor to transmit that copy with this despatch.[2] No time is allowed me to comment on the character of the ar-

[1] See above, this volume, pt. 1, September 22, 1859, doc. 1121.
[2] The following is the text of this enclosure:

Partial Copy of a Treaty between the Republic of Nicaragua and Her Britannic Majesty relative to the Mosquito Indians and to the rights and claims of British Subjects

Exhibit of Plenary powers, &c. &c.

Article 1

On exchanging the ratifications of the present Treaty, H. B. M., Subject to the conditions and engagements specified therein, and without prejudice to any question of boundary between the Republics of Nicaragua and Honduras, will recognize as belonging to, and under the sovereignty of, the Republic of Nicaragua, the country hitherto occupied or claimed by the Mosquito Indians within the frontier of that Republic, whatever that frontier may be.

The British protectorate of that part of the Mosquito Territory shall cease, three months after the exchange of the ratifications of the Present treaty, in order to enable Her Majesty's Government to give the necessary instructions for carrying out the stipulations of said Treaty.

rangement. I am painfully impressed, however, with the conviction that it will fall short of the expectations of my government; whilst I entertain an idea that it will not receive the unqualified approval of the Congress of Nicaragua, which is about to be convened by the 1st of March next, as I am informed.

Article 2

A district within the territory of the Republic of Nicaragua shall be assigned to the Mosquito Indians, which district shall remain, as above stipulated, under the sovereignty of the Republic of Nicaragua.

Such district shall be comprised in a line, which shall begin at the mouth of the River Rama in the Caribbean Sea; thence it shall run up the mid-course of that river to its source, and from such source proceed in a line due west to the Meridian of 84° 15′ longitude West from Greenwich; thence due north up the said Meridian until it strikes the river Hueso, and down the mid-course of that river to its mouth in the Sea as laid down in Bailey's map, at about latitude from 14° to 15° north, and Longitude 83° West from the Meridian of Greenwich; and thence southerly along the shore of the Caribbean Sea to the mouth of the River Rama the point of commencement. But the district thus assigned to the Mosquito Indians *may not be ceded by them to any foreign Person or State; but shall be and remain under the sovereignty of the Republic of Nicaragua (—* The Spanish has "no podrá ser cedido")

Article 3

The Mosquito Indians, within the district designated in the preceding article, shall enjoy the right of governing, according to their own customs and according to any regulations which may, from time to time, be adopted by them, not inconsistent with the sovereign rights of the Republic of Nicaragua, themselves and all persons residing within such district; Subject to the above mentioned reserve, the Republic of Nicaragua agrees to respect, and not to interfere with, such customs and regulations so established, or to be established, within the said territory.

Article 4

It is understood, however, that nothing in this treaty shall be construed to prevent the Mosquito Indians at any future time from agreeing to absolute incorporation into the Republic of Nicaragua, on the same footing as other citizens of the Republic, and from subjecting themselves to be governed by the general laws and regulations of the Republic, instead of by their customs and regulations.

Article 5

The Republic of Nicaragua being desirous of promoting the social improvement of the Mosquito Indians, and of providing for the maintenance of the authorities to be constituted under the provisions of article 3 of this treaty, in the district assigned to the said Indians, agrees to grant to the said authorities for the space of ten years, with a view to such purposes, an annual sum of five thousand hard dollars— The said sum shall be paid at Greytown by half yearly payments to such persons as may be authorized by the Chief of the Mosquito Indians to receive the same, and the first payment shall be made six months after the exchange of the ratifications of the present treaty.

For the payment of this sum, Nicaragua will levy and especially consign a duty, to be levied according to weight, on all packages of goods that are imported into that port for consumption in the territory of the Republic, and in case this duty shall not suffice for the payment of said sum, the deficit shall be made up from the other duties levied in the Republic.

Article 6

Her Britannic Majesty *engages to use her good offices with the Chief of the Mosquito Indians so that he shall accept the stipulations which are contained in this convention— *(the Spanish is "se compromete;" that means to bind, as well as to

communication from Mr Zeledon, copy of which, together with that of my answer, is hereto annexed.[1] The Department will perceive from the tenor of the note of the Minister of Foreign Relations that the question of the transit is to be referred to the Congress. This will probably take place simultaneously with the submission of a contract, which, as Mr Zeledon states, is about to be entered into between Mr Rosa Perez, the agent of the "Stockholders" of the "old Canal Company" and the Republic of Nicaragua.

Standing aloof from the private interests, connected with this matter, and looking only to the extent to which they can affect the general interests of the United States, I have not deemed it to be my duty to give advice beyond the point of Nicaragua's making such an arrangement as will settle the rights and claims of the company and allow the speedy reopening of the

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habitants of Greytown, consents that trial by jury in all cases civil or criminal, and perfect freedom of religious belief and worship public and private, such as has hitherto been enjoyed by them up to the present moment, shall be guarantied to them for the future—

No duties or charges shall be imposed upon vessels arriving in, or departing from the free port of Greytown, other than such as may be sufficient for the due maintenance and safety of the navigation, for providing lights and beacons, and for defraying the expense of the police of the port:—*neither* shall any duties or charges be levied in the free port on goods arriving therein, in transit, from sea to sea. But nothing contained in this article shall be construed to prevent the Republic of Nicaragua from levying the usual duties on goods destined for consumption within the territory of the Republic.

Article 8

All *bona fide* grants of land, for due consideration, made in the name and by the authority of the Mosquito Indians since the 1st of January, 1848, and lying beyond the limits of the territory, reserved for the said Indians, shall be confirmed, provided the same shall not exceed in any case the extent of one hundred yards square, if within the limits of San Juan or Greytown, or one league square if without the same, and provided that such grant shall not interfere with other legal grants made previously to that date by Spain, the Republic of Central America, or Nicaragua; and provided further that no such grant shall include territory desired by the government of the latter [Opposite the word "latter" in the margin of the file copy the word "last" was written in ink.—Ed.] State for ports, arsenals, or other public buildings. This stipulation only embraces those grants of land made since the 1st of January 1848— In case, however, any of the grants referred to in the preceding paragraph of this article should be found to exceed the stipulated extent, the Commissioners hereinafter mentioned, shall, if satisfied of the *bona fides* of any such grants, confirm to the grantee or grantees or to his or their representatives or assigns, an area only equal to the stipulated extent—

And in case any *bona fide* grant, or any part thereof, should be desired by the government for ports, arsenals, or other public buildings, an equivalent extent of land shall be allotted to the grantees elsewhere—

Article 9

The Republic of Nicaragua and Her Britannic Majesty shall, within six months after the exchange of the ratifications of the present treaty, appoint each a Commissioner for the purpose of deciding upon the *bona fides* of all grants of land mentioned in the preceding article, as having been made by the Mosquito Indians, of lands heretofore possessed by them, and lying beyond the limits of the territory described in article 1.

Articles 10, 11 and 12

They treat about the manner in which the Commissioners shall be appointed, and all concerning their decision upon the grants of land, their salaries &—

transit-route. Some of the stipulations of the contract, a copy of which, from want of assistance, I regret not to have it in my power to transmit, seemed to me calculated to bring about that consummation, should the "Stockholders" ratify the action of Mr Perez, their authorized agent. When I say "authorized agent", I am not informed that the powers of his agency go so far as to cover certain conditions to which he proposes to subscribe. One of the articles of the contract, for instance, stipulates that the "old company" shall renounce all pre-asserted rights and assume all claims, that may be brought against Nicaragua, by virtue of the rights claimed under the contract, which has been declared forfeited. In consideration of this and of their purchasing, for a sum, I think, of $100,000, certain improvements, machinery &c to which Nicaragua lays claims, they are to enjoy, for 50 years, the privilege of transporting passengers at $1.25, one dollar and twenty five cents per head and carrying freight free of charge on the part of the government. The transportation of the United States' Mail and the other requirements of the treaty are, of course, not overlooked.

The exclusive privilege of navigating the lakes and rivers of Nicaragua, which was formerly granted to the Company, is revoked; but their right of transportation and carriage on the transit route, from San Juan del Norte, to some port on the Pacific Coast, to be selected by them, is exclusive; reserving, however, to Nicaragua the right of constructing a rail-road or roads to Realejo, or to the Bay of Fonseca. The project moreover contemplates, in case of the completion of the Canal, that the rights of the stockholders shall cease and that the contractors on the Canal shall be held to purchase their stock of every description, used in the service, at valuation price.

There are other stipulations, of which, being still informal, I have not been able clearly to possess myself. On the whole, should this contract be accepted, it will remove all difficulties, as between Nicaragua and the undertakers and give a flattering prospect of a re-opened transit, across this isthmus, by the 1st of October next, if not much sooner than that time.

It may be proper for me to state that this project is but an additional proof of the shift to which this government has so often resorted whenever it has stepped into the wrong. They had acted wrongly in the case of the Cass-Yrisarri treaty, and when they were reduced to the necessity of righting the wrong, they would not do it directly but they must resort to devious ways for the work, and ultimately accept the identical treaty under a different name. They have openly declared uncompromiting hostility to what they call the Juan Valentine [illegible]

caused me more anxiety than the condition, in which I was grieved to find our treaty with this government. I cannot foresee how mine will have judged the case; but I cannot help thinking that it will consider the treaty, under the form of ratification, which the Congress of Nicaragua has set to it, in no other light than that of *re infecta*. If, therefore, by the time when Congress will have assembled, I am not otherwise instructed by my government, I shall proceed, *Sub spe rati foederis* on my part, to sign a treaty omitting the obnoxious clause, to be submitted at the extra session of the Congress. Their sessions are once in two years; they will have had two extra sessions, within seven months, following upon the regular one in January 1859. We cannot wait until the month of January 1861 for the ratification of a treaty, which envolves interests so important; while, in the perfectly exhausted condition of their treasury, it might be exacting to require a second extra session, in 1860, to ratify an instrument, which, originally concluded *sub spe rati*, may, in the absence of specific powers, again be so under the same form.

In foresight of such a necessity, I have procured, from Mr Zeledon, the treaty, concluded between my late predecessor and himself and have already copied out the English text. As the Department of Relations has no officer, on whose clerical accuracy, in the English language, safe reliance can be placed, I shall perform the same work, exhausted as I may be by the unassisted labors of this Legation, for the Nicaraguan copy of the Treaty.

I trust that, in sending it up for ratification, it will not go unaccompanied by other matters for Legislative action; for I have a promise from Mr Zeledon that he will, in the course of a very few days, discuss with me the terms of the convention, which I have prepared, to settle the claims of American citizens on the Republic of Nicaragua. For all the uncertainties, which characterize every thing done in this country, I hope to be able to inform the Department that the conditions and terms of a convention have been arranged between Mr Zeledon and myself.[1] . . .

Very respectfully [etc.].

[1] This omitted portion treats briefly of private claims and of his family's happy and helpful social relations with the people of Costa Rica and Nicaragua, and the consequent heavy expenses for which he mentioned having drawn a draft, which he hoped would be honored when it reached the Department.

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Rosalio Cortez, Acting Minister of Foreign Affairs of Nicaragua[1]

B[10] MANAGUA, NICARAGUA, *February 9, 1860.*

For the ulterior purposes of this note, the Undersigned, Minister Resident of the United States in Nicaragua, solicits the attention of His Exc[y], Sor D. Rosalio Cortez, acting Minister of Relations, to the following facts. The Undersigned having been informed of the alleged appointment of a commission, in the city of Granada, to take cognizance of certain proposals of an English company, represented by M[r] G. Cauty, deemed it his duty, in the condition of transit affairs, between the United States and Nicaragua, to seek, on the 10th of January ult., an official interview with H. E., the acting Minister of Relations, during M[r] Zeledon's recess from the affairs of the Department.

The Undersigned is satisfied that H. E. will not have forgotten that, in that interview, he expressed to him his surprise that such a commission had been instituted by the government of Nicaragua, whilst the rights of American citizens to perform the service on the transit route were still under consideration. The Undersigned than improved the occasion to express to His Excellency, S[r] D. Rosalio Cortez, a hope that, on his assuming the Department of Foreign Relations of the Republic, he had, from the conference of the Undersigned with M[r] Zeledon, on the 16th of December last,[2]—from the results of an interview, with which the Senator-President had honored him—from an official note of this Legation to M[r] Zeledon, of the 14th of December '59,[3] in relation to the matter—and lastly from a conference, which he had with His Excellency himself on the 3[d] of January last, in which he solicited his efforts to bring the transit question to a prompt adjustment—had an opportunity of informing himself of the conclusions to which the government of the Undersigned had come, whether the question of the transit was considered *per se*, or whether the rights of citizens of the United States, under grants from Nicaragua, were concerned.

The Undersigned fairly stated to H. E., the acting Minister of Relations, that the government of the United States had ceased to look on the matters, in the light of such as could usefully invite farther discussion; and, in equally frank language, objected to the intercurrence of any measure, which, (saving the right of Nicaragua to perform all acts properly belonging to her sovereign capacity) could either involve this transit question in any new difficulties, or bring the rights of American citizens into jeopardy. For fear that the settled views of the government of the Undersigned, already communicated to that

[1] Despatches, Nicaragua & Costa Rica, vol. 5, enclosure B[10] with Dimitry to the Secretary

directly referred him to his instructions then in hand.

When the Undersigned had stated to His Excellency that, through an unexpected offer, he had an opportunity of addressing his government and he desired information as to the fact of a commission, represented to have been raised by the authorities of Nicaragua, to act on Mr Cauty's proposals; His Excellency frankly admitted the creation of such a commission, adding, however, that the proposition having come from a company, which tendered great advantages, "Nicaragua did not wish to appear unwilling to listen to them," and hence the reason for which the authorities had referred the proposals to the commission, in relation to which the inquiries of the Undersigned had turned.

His Excellency, the Undersigned is persuaded, will not fail to remember also that he then exposed to him that, disclaiming all intention to question the policy which the Supreme Government of Nicaragua might choose to pursue, by such a delegation of their powers, it was his duty to remind His Excellency that any arrangement, which might go to hamper the transit, impose on it onerous or unreasonable restrictions, or infringe vested rights of citizens of the United States, their government would surely and firmly oppose.

To this, His Excellency was pleased to answer that it was not very probable that any arrangement should be made unfriendly to the United States. His Excellency was pleased to add, in echo, as it were, of the words of the Senator-President, when in the temporary exercise of the Supreme Powers of the Republic, that he was impressed with the belief that the transit, *if opened*, should be so by the "North Americans", from various circumstances, among which His Excellency referred to a "*mancomunidad*"—an association and a fellowship of interests between the people of both countries. Yet, His Excellency objected, his government could not entertain any propositions from the "White or Stebbins' Company"; that Nicaragua had been *humbugueado* by them—that was His Excellency's expression—and that she was disposed to make arrangements with any American company, provided that they offered to her ample guaranties, which she would expect, for the performance of their obligations.

His Excellency will recollect, beyond all doubt, that, in answer to his observations, marked by great frankness, and in dismissal of this topic of the conference, the Undersigned made it a point to remind His Excellency that the government of the United States had consistently refrained from deciding between the rival claims of companies or of individuals—a right to which, in fact, it does not pretend—that have come forward to compete for the advantages of the transit route; and that, with what company soever

that satisfactory guaranties were tendered; but that so far as the United States' government is interested, it had provided that the rights of American citizens should neither be postponed, or declared confiscated, through the application of Legislative or Executive decrees. The Undersigned would now inform His Excellency, the Acting Minister of Relations, that by the last steamer, he duly transmitted to his government the foregoing transcript of the words, which passed, and of the points, which were made, at the conference of the 10th of January 1859, between His Excellency and himself, when His Excellency held, in relation to the government of Nicaragua, the very position which he now occupies in Mr Zeledon's absence from the Department of the Foreign Relations of the Republic.

To this statement of both the words and the results, which grew out of that interview, the Undersigned regrets to find himself compelled to appeal, in order to appreciate a measure, intimately connected with the transit question and, as it appears, lately adopted in direct opposition to the expectations, if not in equally direct falsification of the language, then held out to the Undersigned by His Excellency, the Acting Minister of Relations. Firmly relying on that language, which justified the expectations, the Undersigned will leave it to His Excellency to judge of the indignant surprise, with which he received, from Granada, late in the course of this day, a pamphlet published at that place and purporting to be a printed contract, bearing date of the 31st of January 1860, between Mr George F. Cauty, on the one part, and Messrs Fernando Guzman and Fulgencio Vega, "commissioned by the government of the Republic", on the other part,[1] and pretending to dispose of the service on the transit route, in such a manner as summarily to dispose also of the vested rights of American citizens, which the United States have hitherto maintained and which, the Undersigned begs His Excellency to be thoroughly assured, they will to the last infallibly assert.

The proceedings of that commission and the results of their action, strange as they may appear in the juncture to which the transit question had been brought, are doubly strange in view of the unqualified declaration of His Excellency, that it was instituted for the purpose of saving the government of Nicaragua from the reproach of seeming unwillingness "to listen" to terms promising benefits to the Republic. To listen, however, to the nature of propositions and then, under the pretext of listening, to reduce them to stipulations of contract, are two specifically distinct things, which, the Undersigned humbly conceives, could no where else have been connected with the meaning or value of the word. The distance which separates

exertion of the hand. Sustained by the ready statement of H. E., Sor D. Rosalio Cortez, the Undersigned can well understand how the persons, selected for the purpose, might have "listened" to the proposals of the English Company and it may further be—though the Undersigned was not informed of such farther duty—have referred the result of their listening to a higher and controlling authority; but, at the same time, he begs the privilege to state that, with the assistance of the very best will, he has failed to perceive, he will not say a congruous, but even a remote, relation between the passive duty of listening to terms and the actual fact of concluding a contract by a commission, which, from the representations of His Excellency, the Undersigned was led to consider as a Board of Auditors, not raised to stipulate conditions of contract, but to report certain terms, after hearing, for the action of the regular authorities of Nicaragua.

The Undersigned is aware that it is neither easy nor safe to inquire into, or to judge of, the motives of men. Hence, in this case, he will scrupulously abstain from all inquiry and all judgment. Never subscribing to the unworthy doctrine, which would teach that language was formed, not to express, but to disguise, the intentions of the mind; he sincerely entertains the belief that, in the course of the interview of the 10th of January last, and in reference to this very point, His Excellency's better intentions were betrayed through his words falling short of the meaning, which he desired them to convey. Otherwise, with the broadest understanding of their import and with unfeigned reliance on the honest significance of those, which His Excellency, the Acting Minister of Foreign Relations, was pleased to use; the Undersigned freely confesses that he would never before have conceived the elasticity of language which could extend the words "listen to propositions" into a meaning to confer authority to enter into a contract, touching the transit, signed and sealed by a commission of Auditors, in the distant town of Granada; whilst His Excellency Sr D. Pedro Zeledon, the head of the Department of Foreign Relations, and the Undersigned, Minister of the United States, were, at the seat of government in Managua, engaged in devising the adjustment of that question between the two governments.

This execution of a contract, not intimated, nor contemplated, in the declarations of His Excellency, Sor Cortez, compels the Undersigned once more to advert to the fact that, in answer to his pointed objections, aimed both at the institution of the commission and at any measure, which might affect the tenure of the transit service and the rights of American citizens (then under consideration by constitutional agents of the Republic) the Acting Minister of Relations nakedly affirmed to him that there was little

unwilling "to listen" to highly advantageous proposals of an English company. The Undersigned admitted the declaration of His Excellency, Sor Cortez, and, with no qualifying words from the lips of the Minister, readily accepted it as conveying to him both the nature of the commission and the extent of its powers.

Now this declaration of His Excellency, contrasted with the contract executed by the Board, forces two suppositions on the convictions of the Undersigned. At the period of his declaration, His Excellency was either not fully aware of the objects of that commission, or being so aware of them, he was pleased to withhold their measure and extent from the knowledge of the Undersigned, when he requested, as he had the right to do in the name of the United States, to be informed, first as to its existence and then as to its objects. The latter supposition, the high and honorable character of His Excellency, the Acting Minister of Foreign Relations, utterly forbids the Undersigned for a moment to entertain. Yet, thrown upon the former, he is at a loss to understand how, wielding at that particular time, and *ex virtute officii*, the combined powers of the Departments of the Exterior and of the Interior of the Republic, the latter of them especially charged, unless the Undersigned mistakes, with matters of this nature, when they do not come in contact with questions, depending on the management of the Foreign Relations; His Excellency should not have been entirely apprized of the real and ulterior objects of the Board, when he frankly informed the Undersigned that its creation was intended to work so as to shield Nicaragua from censure, arising out of any implied unwillingness to listen to the propositions of the English Company.

The obscurity, however, in which, for all the frankness of His Excellency's declaration, this matter is involved, is further increased by a perusal of the contract itself, the preamble of which sets forth, beyond all possible doubt, that it is drawn up by "commissioners of the government of the Republic, with necessary powers and instructions to enter into a contract for an Atlantic and Pacific transit across the territory of Nicaragua." Duly weighing the facts in the premises and the declaration of His Excellency, at the interview of the 10th of January last, the Undersigned is tempted to believe that the commissioners, having performed their duty as Auditors, were subsequently furnished with instructions and authorized to enter into contract. Otherwise, should this belief be ungrounded, the Undersigned is utterly unable to understand a note of H. Exy, Sor Don Pedro Zeledon, of the date of Jany 24th last,[1] in which, acknowledging a communication of the Undersigned of the 14th of Decr 1859,[2] embodying the conclusions of the

[1] See above, this part, doc. 1541. The quotation in the next sentence is its [illegible]

United States' government on this very topic, His Excellency, in stating his reasons for the delay which attended its answer, says:

> It is for these reasons and because *there is now preparing with Sor D. Rosa Perez*, the authorized agent of the American stockholders of the old Interoceanic Canal Company, *an arrangement, or a compromise*, of the pretensions of said stockholders, *to facilitate a speedy re-opening of the Transit*, since the late provisions of the Legislative Power, in the matter, and the attempts consequent upon them, have not been able to produce that result, that the government of the Undersigned, abstaining from an anlaysis of Mr Dimitry's despatch, has authorized the Undersigned so to state to him, in answer to his esteemed aforesaid despatch.

The Undersigned will not conceal from His Excellency that the clear language of the extract, to which he respectfully invites his attention, has done away with much of the astonishment, which he could not refrain from expressing to His Excellency in the commencement of this note. The Undersigned cannot possibly conceive that the worthy incumbent of the Department of Foreign Relations could, among other things communicated by order of his government, have officially informed this Legation of the fact that an arrangement, with the recognized agent of American parties, was in course of preparation here, in Managua; had he been aware that gentlemen invested, as the terms of the contract compel the Undersigned to acknowledge, with necessary powers, were in the city of Granada concluding a contract with an English company. The Undersigned, Minister of the United States could not certainly, without presumption, expect to have been better informed than the excellent Minister of Foreign Relations. The Undersigned will absolutely abstain from any remark on the nature, the character and the conditions of the Granada contract. The due course of correspondence will take it to his government with the accompanying copy of this note. To the action of that government he safely leaves the appreciation of the instrument itself and of the causes, which have brought about the necessity of this communication, in concluding which, with a protest in the most formal manner against the whole proceeding, the Undersigned [etc.].

1545

Pedro Zeledón, Minister of Foreign Affairs of Nicaragua, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

C 10 MANAGUA, *February 21, 1860.*

in this Republic, Mr Alexander Dimitry's lengthy communication of the 9th instant,[1] relative 1st to a commission in Granada, appointed by the Government to listen to certain propositions of Mr George Cauty, agent of an English company, in reference to an interoceanic transit, across the territory of the Republic; 2ndly to verbal conferences had between Mr Dimitry and Mr Rosalio Cortez, whilst in charge of this Ministry, in the absence of the Undersigned; 3dly to a printed pamphlet, publicly circulated, which contains the conditions of a formal contract, entered into between that Commission and Mr Cauty.

The Undersigned had stated to Mr Dimitry, in his official answer of the 24th of January ultimo,[2] that he was engaged in making an arrangement or compromise with Mr Rosa Perez, agent of the stockholders of the old Atlantic and Pacific Canal Company, of their pretensions in order to facilitate a speedy opening of the transit, and that he was thus authorized to state in his answer; and that Mr Dimitry himself is an ocular witness of the labors, performed by the Undersigned and Mr Perez.

This notwithstanding, as the Legislative decree of the 24th of March last and the meaning in which it has been construed by the Chambers, in practical cases, left no room for an exclusive transit contract, such as that to which the stockholders of that Company pretend, the government has not deemed itself authorized to conclude this, or any other contract, in opposition to that meaning; but has always intended to submit it to the deliberation of the Chambers, in an expedient case, to repeal or not that decree.

In the meantime and in the absence of the Undersigned, Mr Cauty presented to the government propositions on the part of an English Company, and it deemed it proper to appoint a commission in Granada to listen to them and to draft a suitable project for the purpose of submitting it also to the Chambers; because in the present condition of those matters, it is not within the competence of the Executive to exclude such propositions; but the commissioners, through a mistake, shaped that act, in such a manner as to give room for the abuse committed by its publication and even by some suppression (of part of the instrument?); nor has the government, in any manner approved it, as it is more conclusively adverted to in the decree, convoking the Chambers, which the Undersigned has the honor of enclosing to Mr Dimitry.

Mr Cortez, who was charged, *ad interim*, with the Foreign Relations, during the absence of the Undersigned, has stated to him that, in the verbal conferences, had with Mr Dimitry, all the answers, which he gave to his questions, were preceded by the protestation that he was not instructed by

the most authentic manner, that the constant intention of the government, indicated in his answer of the 24th of January last,[1] has not been moved or changed and that the approaching meeting of the Legislative Powers will enable it to come to a conclusion in those questions, upon which it will not fail to report all the antecedents and especially the official despatches of Mr Dimitry.

The Undersigned has the honor [etc.].

1546

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Rosalio Cortez, Acting Minister of Foreign Affairs of Nicaragua[2]

D[10] MANAGUA, NICARAGUA, *February 26, 1860.*

SIR: It devolves upon the Undersigned, among the duties of his Ministry, by late directions of his government, seriously to call the attention of the government of Nicaragua to the Despatch of the Department of State of the United States, bearing date of July 25th 1858[3] and communicated, on the 26th of August following,[4] to the Department of Foreign Relations of the Republic, by his immediate predecessor, the late Mirabeau B. Lamar.

That despatch, in so much as it touches the transit question, was directed to the knowledge of the Supreme Powers of the Republic, through the channel of the office of Foreign Relations; in order that the views, the intentions and resolutions of the Government of the United States, in connection with the transit question should, at the earliest date and beyond the reach of doubt, be seasonably laid before the government of Nicaragua.

This reference, on the present occasion, the Undersigned considers to be most fitly and auspiciously made, as the international concerns of both governments were then, as they are now, under the enlightened management of His Excellency, Sõr Cortez, the Acting Minister of Foreign Relations of Nicaragua.

At the date of the 2d of February instant,[5] when the despatch of the State Department demanded the duty, which the Undersigned has now the honor of discharging, his government was under a physical impossibility of knowing what was transpiring in Granada on the 31st of January 1860, in relation to a pretended transit contract with an alleged English company. The Under-

[1] See above, this part, doc. 1541.
[2] Despatches, Nicaragua & Costa Rica, vol. 5, enclosure D[10] with Dimitry to the Secretary of State, No. 10, below, this part, doc. 1547.
[3] See above, this volume, pt. I, doc. 1100.
[4] See above, this part, doc. 1460.

signed will, therefore, in view of such illusory contract, be permitted to renew, on this head, the assurances of the constancy of the purposes and determinations of his government, conveyed in every word of that despatch, which relates to the transit-service, and the rights to it, which, the United States consider, have been acquired by some of their citizens through grants of competent Nicaraguan authorities.

Laying aside the more general considerations of that despatch, which should long ago have convinced Nicaragua of the inexpediency of closing against the access of the world the gateways, between the Atlantic and Pacific oceans, which happen to have been reared by the hand of nature at the eastern and western extremities of her territory, there are, in the document to which this note relates, among the points of essential and direct bearing, one or two to which the Undersigned cannot abstain from recalling the attention of this government. Will His Excellency, the Minister of Foreign Relations, therefore, allow the Undersigned to invite him again to consider the frank language of the United States, officially communicated to His Excellency's government nearly two years ago? In fairness and in candor it urged upon Nicaragua that: "The progress of events has rendered the interoceanic routes across the narrow portions of Central America vastly important to the commercial world, and especially to the United States whose possessions, extending along the Atlantic and Pacific coasts, demand the speediest and easiest modes of communication. Whilst the just rights of Sovereignty of the States, occupying this region, should always be respected, the United States shall expect that those rights will be exercised in a spirit befitting the occasion and the wants and circumstances that have arisen."

Proceeding from this loyal statement of their views;—disclaiming the prosecution of any merely selfish purpose;—protesting against such a use of the transit-route, across the territory of Nicaragua, as would exclude any interest of the commercial or traveling world from its free enjoyment—the United States in addition declare—and the declaration is earnestly commended to the friendly spirit of the Republic—that "they desire that the advantages should be equally common to all nations." What they do desire, especially, "and mean to accomplish, is that the great interests, involved in this subject should not be sacrificed to any unworthy motive, but should be guarded from abuse; and that when fair contracts are fairly entered into with American citizens, they should not be violated."

This, the Undersigned asks the privilege of assuring His Excellency, the acting Minister of Relations, is an unreserved exposition of the single desire

of Nicaragua, is again and most respectfully invited, then will the United States expect that, in those cases, "where their citizens have entered into contracts with proper Nicaraguan Authorities, and questions have arisen respecting the fidelity of their execution, no declaration of forfeiture, either past or to come, shall possess any binding force, unless pronounced in conformity with the provisions of the contract if there are any, or, if there is no provision for that purpose, then unless there has been a fair and impartial investigation in such manner as to satisfy the United States that the proceeding has been just and that the decision ought to be submitted to."

Having thus, and by way of a memorandum, been led, in the performance of his Ministry, to refer to a topic, on which, the Undersigned firmly entertains the conviction, this Legation will be spared the necessity of again addressing the Department of Foreign Relations of the Republic, unless it should be in congratulation on the success of mutual efforts to close a question, sufficiently irritating in times past, but which, under the influence of circumstances which have lately surrounded it, if allowed to advance further in the direction mistakenly given to it, must, the Undersigned is certain, result in detriment to the good feelings, which the United States have not only been anxious to cultivate with the Republic, but which they have also evinced by acts of direct and friendly intervention in matters, in which her vital interests are concerned. These observations, however, for which the Undersigned, with every deference, invokes the consideration of His Excellency, the Acting Minister of Relations, are rather the result of abundant caution than of any doubt, as to the just and equitable course which Nicaragua means to pursue in a question, which, important to the United States, becomes doubly so to herself, when her interests and her honor, which is her best interest, are inseparably linked.

But even did such doubts now exist, the Undersigned would be compelled to find an assurance of their groundlessness both in the official statements of His Excellency, Sõr Zeledon, made by order of his government, on the 24th of January ultimo and in his communication of the 21st of February inst., which is hereby acknowledged as an answer to the note of this Legation, of the 9th instant,[1] transmitted to the Department of Relations, then in charge of His Excellency, the acting Minister, Sõr Cortez, and protesting against the action of the honorable commissioners of the Republic, resulting in a *seeming* agreement of contract between them and the alleged agent of a company, the existence of which was quite as problematical as was probable, (unless the Undersigned be misinformed) the want of authentic powers, in the hands of that alleged agent, at the time when the representatives of the government proceeded, with him, to stipulate that contract.

Mr Zeledon's note of the 21st inst: that it was "through mistake" that the distinguished citizens, to whom the government had assigned the duty of Auditors, had "shaped their act, in such a manner as to afford room for the abuse committed by its publication and even by some suppression" of part of the instrument. The statement of His Excellency, Mr Zeledon, Minister of Foreign Relations of the Republic, now in charge of Sõr D. Rosalio Cortez, has thrown much light on that, which was before envolved in much obscurity. Yet the Undersigned while admitting, as an acceptable explanation, the acknowledgment of error in the action of the commission, conveyed to him by the note of the 21st of February, but advert to the fact that this action, though taken in error, is as calculated to work the same results—unexpected obstacles, raised in the way of asserting clear and undeniable American rights—as if it had been exerted in due conformity with the instruction of the honorable commissioners and within the strict limits of the powers delegated to them by the Supreme Government. He, therefore, trusts that, in the pending settlement of the rights of American citizens, those rights shall, in no way, be further damaged or affected by the consequences of an error of agents of the Republic of Nicaragua.

This note would not reach its ends were it to fail to express to H. E. Sõr D. Rosalio Cortez, the Acting Minister of Foreign Relations, the additional and deeply sincere gratification of the Undersigned, Minister of the United States, derived from the explanation, which he has received, from Mr Zeledon, of some of the matters, touched upon by the Undersigned in his communication of the 9th of February, addressed to Mr Cortez, then acting Minister of Relations.

Now the Undersigned is doubly gratified in the consciousness that he himself had beforehand inferred the existence of some error, which had caused the clashing between the assurance of His Excellency and the proceedings of the Granada Commission. Mr Zeledon's note of the 21st has officially confirmed the supposition of such an error and justified the inference of the Undersigned.

With the tender of his very respectful consideration, the Undersigned [etc.].

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACTS]

No. 10 MANAGUA, NICARAGUA, *February 28, 1860.*

SIR: . . . Since the date of my Nº 9,[2] circumstances have taken place here, which may materially affect the question of the transit route. Inauspicious as they seemed at first, they may, however, work favorably in the issue. A statement of the facts may enable you to form a better judgment.

My despatch of the 30th of January ult: reported to the Department the substance at large of what I consider, under those circumstances, to have been an important interview had, on the 10th of the same month, with H. E. Mr Cortez, the Acting Minister of Foreign Affairs, in relation of a commission established in Granada to take cognizance of certain proposals of a *soi-disant* agent of An English Company. It conveyed at the time a copy of Mr Minister Zeledon's note of the 24th of January,[3] informing this Legation of an arrangement in progress to settle the "pretensions" of the old Interoceanic Canal Company. The declarations of Mr Cortez, the announcement of Mr Zeledon, I received as an indication that, after two months of toil by day and even by night—for conferences ran even into its depths—I might, with some degree of confidence, advise my government to expect a speedy adjustment. But this is a country of unexpected events, prepared with inconceivable duplicity.

While anxiously awaiting a final determination, I was, on the evening of the 9th of February, informed of the conclusion of a contract [4] in Granada, during Mr Zeledon's absence from the Department of Relations, at the time under the management of Mr Rosalio Cortez, the Minister of War and of the Interior.

I immediately proceeded to address to the Acting Minister of Relations the annexed note on the subject.[5] That note was written, not without some feeling of indignation at what I considered, and the Department, I think will judge, to be a proceeding scandalous in its character and contemptuous of the dignity of the United States. Its style is not exactly that, which, under ordinary circumstances, should be used in the official intercourse between governments; but I considered that the attempt at deception, practised at the interview of the 10th of January, and realized in the execution of a contract on the 31st of the same month, could not pass without its measure of rebuke.

[1] Despatches, Nicaragua & Costa Rica, vol. 5. Received March 21.
The omission at the beginning merely acknowledges the receipt of three instructions, none

transit question, the settlement of which I have not ceased to look upon as, in a great degree, smoothing the way to the adjustment of our other questions, had been so pressed upon this government, from the very day almost when my duties commenced here—the demands of the United States had been so persistently urged, that they felt that the inevitable hour of decision had arrived. They saw no possibility of eluding those clamorous demands, except in a recourse to subterfuge.

The high functionary, who enjoys the credit of having abetted the Granada arrangement, maintains, I am told, the doctrine that when a weak government has to deal with a strong one, a resort to cunning is warrantable. I have not the least doubt that it was brought to bear on the transit question, not with the slightest idea that the contract will be sustained against the positive declarations of the United States; but in order to gain time, complicate matters and distract the action of Congress. In this instance, however laudable the zeal of its intentions, I cannot but choose to think that the cunning has been considerably abridged, in the measure of its success, by the note of this Legation of the 9th instant. I am informed, from a most reliable source that either the note itself, or a syllabus of its contents, was immediately despatched to the *tertulia* in Granada—the cabal of oligarchs who, from that city, generally shape the policy, if not control the action, of this government. I am also advised, indeed I receive from various quarters, that Mr Fulgencio Vega, one of the commissioners that signed the contract and who, by virtue of his wealth is the Nicaraguan Crassus of this oligarchy, has written a fierce letter, of which he boasts, counseling the President that it is better for all true and patriotic Nicaraguans to go down together into the tomb than yield one inch to the arrogant demands of the United States.

The counsels, however, of this indiscriminately self-sacrificing patriotism do not seem to have winningly commended themselves to the acceptance of the President, whom I believe to be a well-intentioned man, whose intentions, however, are either warped or misdirected by unscrupulous or prejudiced individuals, who derive the power of mischief from the influences of wealth.

The Hon: Secretary of State, however this may be, will perceive, from the annexed note, copy and translation, of Mr Zeledon,[1] on whom the duty of answering the communication of this Legation was, I think, most unjustly and ungenerously imposed, that such influences have failed in a measure to control in this case; and that the distinguished citizens, who signed the contract, are, by authority of the government, represented to have performed that act "through a mistake."

Mr Cortez, in his official conference with me, avers that they were instituted into a Board to listen to proposals. Mr Zeledon, under an official

"drafting a suitable project, for submission to the chambers". And yet when Mr Zeledon mentions this to me, on the 21st of February, the necessities of his official position compel him to slur his own statement that, on the 24th of January, he was making an arrangement, with Mr Rosa Perez, for a speedy opening of the transit-route.

But this matter presents another fact equally as strange—that of two citizens, selected from among the most distinguished and the most enlightened of Nicaragua—one of them, confessedly a man of large experience in the practical affairs of life—the other, enjoying such a degree of esteem and confidence as to be, by Legislative enactment, declared the Substitute-President of the Republic—that one, in an official reception, stating to the Minister of the United States that he is convinced that the transit is marked for American enterprize; yet both of them, "through a mistake", making a contract, under a ninety years' lease of the route, with a supposed English company, supposed to be represented by a supposed agent in the Republic of Nicaragua! The absurdity of the thing would be inexpressibly ridiculous, did it not borrow a certain degree of dignity from the help of an ingenious dishonesty.

In so saying, however, Mr Secretary, I beg to acquit Mr Zeledon from any participation in this act of signal turpitude. In his note of the 21st of February, he invokes my testimony, and it is freely and cheerfully given to him; for living, for now three months, under the same roof with him, I am, as he says, an ocular witness of his efforts to settle with Mr Perez, in Managua, a question, which was, "through a mistake", decided in Granada, by commissioners of the Republic.

But the question is not beyond appeal. The Sovereign Congress meets the day after to-morrow and Mr Perez's propositions together with the contract entered into by mistake will be submitted for their action. The unreliable character of this people forbids me to suggest such an issue as my government expects; I am not without some hope that the question will be ultimately settled as it desires.

Your despatch No 12, of the 2d of February /60,[1] alluding to this transit question, referred me to instructions to my predecessor, which, upon directions from the State Department, he communicated to the Office of Relations on the 26th of August 1858.[2] Your instructions are that I should reiterate the requirements of that despatch and press them on the attention of Mr Zeledon. The directions of my government were accordingly complied with. I learned, however from Mr Zeledon that he is not certain that that despatch had been brought to his knowledge. Indeed he did not think that he was at the head of the Department when it was received. Upon

trines of that despatch, and, at the same time, answering Mr Zeledon's note directly to him, whose action had made it necessary for me to address the communication of the 9th of February [2] to the Department of Foreign Relations. Copy of that answer,[3] you will find herewith. . . .[4]

I had trusted that my government would have instructed me in reference to the treaty between the United States and Nicaragua. My despatches do not breathe a word on the subject; and upon an old rule of action, with me, in a case of doubt I abstain. This determination was taken with so much the more reason that Mr Zeledon communicated to me the contents of a note from Mr Molina, who states to him that my government thinks that, with the decree of the Nicaraguan Congress, the treaty may be ratified by the Senate of the United States. This indirect information has come in time to prevent me from doing that, which I had announced to my government and which in its utter silence on the subject, I shall not attempt to perform.

With assurances of great respect, I have the honor [etc.].

1548

Rosalio Cortez, Acting Minister of Foreign Affairs of Nicaragua, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [5]

[TRANSLATION]

No. 14c MANAGUA, *March 14, 1860.*

MR. MINISTER: The undersigned Minister of the Interior and of War of the Supreme Government of Nicaragua, and temporarily in charge of the Foreign Relations thereof, had the honor to receive the despatch of Mr. Alexander Dimitry, Minister Resident of the United States, dated February 26 last,[6] in which, under instructions recently received from his Government, he calls the attention of the Government of Nicaragua to the part relating to the Transit Route, through this Isthmus, of the note of the Department of State of the United States, dated July 25, 1858, and communicated to this Ministry by the late Mirabeau B. Lamar, the predecessor of Mr. Dimitry.

His Excellency the President, to whom the undersigned made report, had directed the undersigned to advise Mr. Dimitry in reply that the Republic

[1] See above, this part, doc. 1545. [2] *Ibid.*, 1544.
[3] See above, this part, February 26, 1860, doc. 1546.
[4] This omission treats of private claims of United States citizens against Nicaragua, especially the possible conclusion of a convention providing for their settlement.
[5] Despatches, Nicaragua & Costa Rica, vol. 5, enclosure 14c with Dimitry to the Secretary of State, No. 14, below, this part, doc. 1551. [6] See above, this part, doc. 1546.

of Nicaragua, represented by its Supreme Authorites, has done and will do nothing, which it does not consider strictly just, because justice has been and will always be the rule of its policy; that, consequently, it has not attempted, nor will it attempt to deprive anybody of rights acquired, but simply to conserve those which belong to it.

The undersigned has complied, in the foregoing, with the order of His Excellency the President, and has the honor [etc.].

1549

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Rosalio Cortez, Acting Minister of Foreign Affairs of Nicaragua[1]

No. 14D MANAGUA, NICARAGUA, *March 25, 1860.*

The Undersigned, Minister Resident of the United States in Nicaragua, has hereby the honor to acknowledge receipt of H. E., the Acting Minister of Relations' note of the 14th instant,[2] in answer to his communication of the 26th of February ultimo [3] inviting the attention of this government to the despatch of the Hon: Lewis Cass, Secretary of State of the United States, which, dated July 25th 1858,[4] was heretofore communicated to the government of this Republic by the late Minister of the United States, M. B. Lamar, under date of the 26th of August of the same year.[5]

His Excellency, the Acting Minister of Relations, is pleased, in his answer to the note of this Legation of the 26th of February 1860, to inform it that he has been ordered by the most Excellent, the President, to state that, pursuing a course of action, guided by justice as its loadstar, the Republic of Nicaragua, represented by its Supreme Authorities, "has not pretended, as it will not pretend, to despoil any one of acquired rights, but that it will merely preserve its own rights."

It does not belong to the Undersigned, on this head, to question the declaration of His Excellency, Mr Cortez, made by order of the Most Excellent, the worthy Executive of this Republic. His government, however, he would respectfully and plainly say to that of Nicaragua, does consider that, with every intention, no doubt, to adhere to the precepts of strictest justice, the Supreme Authorities of the Republic have, by measures, taken in error it may be, brought about, in relation to the rights of American citizens, results which fully tally with every form of wrong, which might have been produced by a direct course of injustice.

Cordially and steadfastly has the government of the Undersigned stood by

to say that, among those which, he is informed by Mr Cortez' note, Nicaragua means to preserve as her own, the government of the United States will scarcely be expected to class the rights, which, vested in American citizens under contract-grants, made by Competent Authorities of Nicaragua, have subsequently been wrested from them, without reference to the conditions of the contract, by Authorities which, the United States maintain, were not competent for the act.

Those rights, thus called in question by Nicaragua and passed upon by one of the branches of her Supreme Powers, to which, by the terms of the instrument, such decision did not belong, the government of the Undersigned insists, still remain in the hands of its citizens, until the controversy, which has arisen under the grant, will have been settled in conformity with the provisions of the contract, or resolved in a manner equally satisfactory to the United States.

The Undersigned begs to assure His Excellency that he would not again have addressed the Office of Relations on a question, which is now under consideration in another branch of the Government. He is, however, informed by reliable authority that there is a report, current in political circles of this capital, to the effect that his government does not extend its protection to the rights of certain of its citizens, organized into a company, whatever be the name and style by which it may be called.

Under ordinary circumstances, the Undersigned would have allowed such a rumor to pass without notice. In the condition, however, to which the transit question is brought, it should not be permitted to work mischief. The Archives of His Excellency's Department, in the official notes and statements, which have gone from this Legation, bear abundant witness that such a report can have no foundation in fact. The Undersigned would, therefore, most respectfully suggest that, from that Department, the correction of the error might most fitly, as naturally, proceed.

If, up to the 2d of February 1860— [1] the latest period at which the Undersigned was advised by his government—the original demands of the United States were still insisted on;—if the instructions of that date authorized the Undersigned to invite again the attention of this Government to the despatch of the Secretary of State, of the 25th of July 1858, lodged in the Office of Relations, by a predecessor in this Ministry;—lastly, if the views of that despatch, in relation to rights, under contract, which it presses for American citizens, have not been wholly overlooked;—then is the Undersigned satisfied that not a word more will be required to convince the Authorities of the Republic of the absolute groundlessness of any report, *or of any statement, not*

[1] See above, this volume, pt. I, doc. 1129.

coming from this Legation, which would go even to intimate a departure, by the government of the United States, from its settled determinations in the premises.

The suggestions of this note had thus far been frankly set forth before His Excellency, Mr Cortez, when the courier of this Legation brought to it its latest despatches from Washington, under date of the 3^d of March instant,[1] in which the Secretary of State of the United States is pleased to say to the Undersigned: "It is evident, from what you have said in your despatch of the 30th of January,[2] that, in your interviews with the Nicaraguan Minister of Foreign Relations, you have faithfully represented the views and intentions of this Government, respecting the protection of the rights of our citizens as connected with the questions of transit."

Will His Excellency, with whom some of those views were discussed and to whom the intentions were conveyed, allow the undersigned to ask whether this looks like a swerving from the line of action, which his government deems it both its right and duty to pursue? Does it, in any way, tend to justify, or will it not, on the contrary, serve to dispel, the report that the United States do not sustain the rights of certain of their citizens, whose interests, under contracts with proper Authorities of Nicaragua, are now awaiting the decision of the Sovereign Congress of the Republic? Can it, and will it, as it may prove, be allowed injuriously to affect those interests and rights? Shall the impressions, received from so groundless and gratuitous a supposition and produced by whatever cause, or combination of causes so ever, be permitted to remain, whilst the honor of this government, from its possession of the real facts, is bound immediately to remove such impressions?

Upon this subject, the Undersigned assures His Excellency, the Minister of War and of the Interior, acting Minister of Foreign Relations, that he has found it a reluctant duty again to address the last mentioned of the Departments under his charge. With the closing of this note, which equally affirms to His Excellency that it terminatively submits the resolutions of his government, he begs leave to add an exposition of them, unmistakably laid down by the Honorable, the Secretary of State of the United States. No words, within the command of the Undersigned, could come up to the formal language, which, it cannot be denied, has consistently been that held by that Government from the origin of a controversy, in the course of which the United States think that they have met, on the part of Nicaragua, little of consideration for the obligations of contracts and quite as little of regard for relations of friendship.

In that exposition, lately renewed by the Secretary of State, in another phase and another direction, and meeting, as it were, the very question

His Excellency, Mr Cortez, would respectfully solicit the best reflections of the government of Nicaragua. "The views," says the Honorable Secretary, "of this government, in relation to the rights of our citizens in Nicaragua, were fully made known to the government of that Republic in my letter to Genl Lamar of July 25th 1858, and a copy of which was communicated to that government. The opinions of the President concerning the rights and duties of the United States, connected with the protection of our citizens and their property abroad, are distinctly set forth in that letter and have since undergone no change, as the government of Nicaragua has been informed."

Proceeding further and in direct relation to the subject matter of this communication, the Honorable Secretary of State says, under date of the 3d of March '60, in reference to that letter:

> There are some peculiar principles asserted, arising out of the condition of Nicaragua and of the transit route, from Ocean to Ocean, across its territory. The right of the United States to take care that the public contracts, made with our citizens for the construction and use of that route of inter-communication are faithfully observed, was explained and maintained. In that despatch it is distinctly admitted, that the right of Nicaragua to make its own arrangements upon this important subject was unquestionable; but it was also as distinctly claimed that, when contracts are fairly made, they should not be arbitrarily violated. This government disavowed both the authority and the disposition to determine the conflicting interests of the various claimants; but it required the government of Nicaragua to act in good faith towards them. And it also announced that it would not recognize as valid any declaration of forfeiture, past or to come, unless pronounced in conformity with the provisions of the contract, if there were any, or if there is no provision for that purpose, then, unless there has been a fair and impartial investigation in such a manner as to satisfy the United States that the proceeding has been just. &c.

Now, in view of these so lately renewed determinations, the Undersigned would deferentially ask His Excellency, the Acting Minister of Relations, whether it can be believed that the report, to which this note refers, can claim any foundation in fact? If such a report in relation to a contract, signed by competent authorities of the Republic to restore the rights of citizens of the United States, and now before the Sovereign Congress for its decision, be intended to intimate that the government, or the President, of the United States, has ever declared that their protection is not fully and firmly extended to such citizens, interested in this question; then would the Undersigned say to His Excellency that there must be some grave error on the subject; and were it not for the supposition of such error, he would [illegible]

with his sense of official propriety, will not consent to pass. But what he claims the privilege of doing, in view of the emergency, is to request His Excellency Mr Cortez, the Acting Minister of Foreign Relations, so thoroughly informed of the true and official condition of things, to take such measures as will immediately and effectually rectify an error, touching the real position of the United States, in regard to the grantees of Nicaragua, which, most unaccountably to the Undersigned, has crept its way into the mind of some, called by their office to pass upon this question, so long vexed between the two governments.

With the renewal of assurances of great respect and consideration, the Undersigned has the honor [etc.].

1550

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 12 MANAGUA, NICARAGUA, *March 30, 1860.*

SIR: I have the honor to acknowledge the receipt of your Despatch Nº 13 of the 2d March instant,[2] referring to mine of the 30th [3] of Jany ult: received on the 1st of March, which stands as Nº 9 of the records of this Legation. I, therefore, respectfully ask to have it thus numbered on the files of the Department.

Touching that portion of your communication relating to the provisions of the Convention between Mr Wyke and Mr Zeledon, to vacate the Protectorate of Great Britain over the Mosquito territory, I beg leave to say that every assistance, which it was in my power to afford, that could conduce to a settlement of the question in a manner, entirely satisfactory to the United States, was readily given to Mr Zeledon.

Some doubts having been thrown out about the rights of the Indians to lands within the territory and the reservation assigned to them, I translated for him extracts of decisions of the Supreme Court of the United States, portions of Indian treaties, to explain to him our theory and practice as to the possessory rights, as well as to the tutorship, of the Indians of our own tribes. Added to this were the data, confidentially furnished me, woven into the articles, and informally handed to him to exhibit the points on which our government stands.

Proceeding further in the discharge of my duty, under the instructions of

on the 17th of January last.[1] Of that and of two others of the like nature, somewhat sharp in tone, I have kept copies, for future reference, should it be necessary, and subject to the orders of the Department.

The Convention passed, on the 22d instant, from the Senate to the House, with a single amendment, which the former body had introduced. On its coming before the Deputies, not without some indications of opposition, in more points than in the amended one, General Jerez, I am informed, took up the discussion and warmly defended the treaty as it had been concluded and signed by the plenipotentiaries. He maintained that he considered it a fair arrangement as it stood. For the sake of conciliation, however, he was willing to adopt it in the amended form.

It was accordingly, the day before yesterday, ratified by the House, with the Senate amendment. The great difficulty of directly tracing any thing through the devious ways and words of those with whom one may here be brought in contact, has not, up to this moment allowed me to ascertain, even from deputies, who voted on the question, the precise character of the amendment. Putting, however, shreds of statements together, you may infer that it stipulates the exclusion—one of the points, which I had contented [contended?] for—of all grants, even *bona fide*, made by the Moscos outside of the Meridian-boundary of the territory. This indeed would look fair enough with the boundary Meridian of 84° 15′ of Longitude, West of Greenwich, although without the reservation.

But the amendment, I again understand from some removes that meridian to 84° 30′ and provides that, in every grant of a league square, any excess, which shall go beyond that meridian shall be cut off and the curtailed portion, compensated by an extent of lands, within the limits of the meridian. I cannot possibly see the benefit, or scope, of such an amendment; but even these conflicting statements, have I had to draw from various members and no two of them could positively agree as to the nature of the amendment. The information, I therefore transmit without any assurance of its accuracy.

And now, by way of transition to the 2d branch of your Despatch, permit [me?] to say that, when in my No 8 of the 29th of December ultimo,[2] I deemed it my duty to transmit to the Department, a copy of our treaty and to call its attention to the form of ratification given to it, I did not know that the Department might be aware of the nature of the ratifying words. Not expecting any thing of the kind, the actually painful sense, with which I perused the decree of ratification can scarcely be conceived. It really bore on my mind, through a good portion of the month of January. It then struck me that the informality might be redressed by a future act of the

Indeed Mr Zeledon, just elected substitute to Congress, thought, in view of the Decree, it might be done without the slightest delay. But receiving no intimations from my government on the subject, by the despatches of the month of February last, I doubted the propriety of the course, which I had at first intended to pursue.

My despatch Nº 10 of the 28th of that month [1] will have informed you by this time that, in the absence of an allusion even to the matter, from the Department, I abstained from carrying a sudden, though engrossing, idea into effect. In the course of maturer reflection, I came to consider that the decree to ratify, with the omission of the obnoxious clause, was binding and conclusive; that the Senate of the United States, in the exercise of their amending power, invoked by the wisdom of the administration, might so arrange it that the treaty would lose none of its binding powers and that, when we came to proclaim it, it might be done, on our part, without the clause protested against.

I need not assure you how truly gratified I feel for having abstained from doing that, which might have subjected me to censure; but from which farther thought dissuaded me, though the suggestion had come out of no common anxiety for the condition in which so important a document was unexpectedly found to be.

With highest respect, I have the honor [etc.].

1551

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [2]

[EXTRACTS]

No. 14 MANAGUA, NICARAGUA, *March 30, 1860.*

SIR: Your despatch Nº 14, dated March 3d,[3] was received at this Legation on the 25th instant. Whether looking to "the general rights of our citizens, pursuing their legitimate callings in Nicaragua, or to the question of transit and the rights of the American Atlantic and Pacific Ship Canal Company", it has commanded my renewed attention.[4] . . .

In relation to the other subject, adverted to in your despatch, I would be gratified to transmit to you most interesting details, gathered through this closing month—one of great trials, toils and anxiety. But I am compelled to forego them for the present. This was reported to be the last day of the

extraordinary Session of Congress. The American transit-contract, which has worked its way through no lax opposition in the Senate, is now meeting the fierce hostilities of the House.

It was, however, generally understood that the question would be decided to day. Hence I kept this despatch open until the latest hour, 10 P.M., in the hope of being able to communicate to you the gratifying intelligence that the vexatious question had been finally arranged. But the anticipation is delusive. The Congress adjourned until to-morrow, leaving the question still in the balance; and I now have barely time to write a few lines, where whole pages would be required to give the Department a full view of the state of things on this subject.

Among the accompaniments, however, which go with this despatch, crippled for want of time—my courier is pressing me—I would call your attention to my annex, marked 14d and dated March 25th,[1] in which I renewed the declarations so steadfastly adhered to by the President. A portion of that note, however, requires explanations and, though lacking time, I cannot withhold them, so that it may be fully understood by the Department.

That note, you will perceive, is shaped so as to answer more than one purpose; but particularly to repel a pernicious report, industriously disseminated among the members of Congress. Hard pressed, no doubt, by the steady applications of this Legation, the Administration were compelled nakedly to deny those applications, or to let the contract, signed by Mr Cortez and Mr Perez, go up for consideration. But this with no honest intention, I am assured, that it should receive the confirmation of the Congress. Something must be contrived to work that end and the most plausible device was insidiously to give out that there was no garantee in the contractors and that the President of the United States did not recognize, or did not pretend to sustain the rights of the company.

Indignant at such a rumor, I immediately endeavored to trace it to its source. To Mr Zeledon, whom I have ever found, however cautious, yet upright in his transactions with me, I naturally turned. He told me in confidence, and in that guise I give it to the Department, that some two months, while in the office of Relations, he received a note from Mr Molina, in which he stated to this government that, at an interview with the President, he had understood him to say that he did not back, or sustain the Company, now prosecuting their right to the service across the Isthmus.

He subjoined, however, that having subsequently been found—I presume since he vacated the Department—*they* supposed that it contained matter sufficient to warrant the statement which I had heard and of which I complained. The Department will now better understand portions of my note of the 25th of March inst. which, without this explanation, might be obscure; or the language of which might not seem to be warranted by the mere allegations of a report, circulating among clubs of politicians discussing questions of the day.

Before closing this note I deem it to be my duty to inform the Department that in view of the fact that the 1st Congress of Costa Rica, under the Constitution lately adopted, is to meet in the course of the month of April next and of the additional fact that I will not leave Managua so long as Congress is discussing the transit question, and therefore that I cannot avail myself of the coast steamer to Punta Arenas, I have, in the exercise of my Ministerial discretion, officially written to Commander Wm E. Hunt, of the U. S. Sloop Levant, inviting him to delay, if not against the orders of his Department, his departure from Realejo until the 10th of April, so that failing the steam-packet, which I cannot reach in time, I may have an opportunity of going to Costa Rica in the course of the next month. He has informed that, on this demand of the public service, he will await my coming until the 10th of April next.

With sentiments [etc.].

1552

Luis Molina, Nicaraguan Chargé d'Affaires at Washington, to Lewis Cass, Secretary of State of the United States [1]

WASHINGTON, *April 2, 1860.*

DEAR SIR: To the inquiries contained in your confidential note of this date [2] as: 1st to the present condition of the Nicaraguan treaties with Great Britain and France on the subject of the interoceanic transit—2dly to the similarity of their provisions to those on the same subject in the Zeledon Lamar Treaty—; and 3dly to the approval of either one or both said treaties by the respective governments; I hasten to give you in the same manner, and in so far as my information goes, the following answer:

1st When a Nicaraguan intent on gratifying the U. S. decided to yield

similar treaty signed. All these treaties were duly ratified by Nicaragua; but the United States objecting to the clause relating to unauthorized military expeditions, France and Great Britain objected too, and the latter required besides the simultaneous settlement of the Mosquito question. This has lately been done in two instruments, one called the *Mosquito Convention* and the other a *Treaty of amity commerce and navigation*, which are still pending. Thus, although Nicaragua gave up the clause objected to, only the Treaty with France is perfected at this time.

2dly The first treaty with Great Britain was identical almost word to word with the Zeledon-Lamar; and I have no doubt that the new one of amity &c will prove to be the same first treaty, except the suppression of the objected clause. The French Treaty is not in general literally the same, but in regard to the transit its provisions are identical with the corresponding ones in the Zeledon-Lamar Treaty.

And 3dly The French has already been exchanged, and those with Great Britain are awaiting the ratifications of both the respective governments.

I am, Sir, [etc.].

1553

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACTS]

No. 15 SAN JOSÉ, COSTA RICA, *April 30, 1860.*

SIR: . . . At the date of my last despatch (Nº 14) of the 30th of March last,[2] I was unable to give to the Department such information in relation to the final action of the Nicaraguan Congress upon the American Transit Contract, as I would have desired. It is true that that despatch had been prepared within a few hours only before the period assigned for the close of the extraordinary session of that Body. It is equally true that the ratification of the contract by a Senate, composed, in part, of men notoriously opposed to any recognition of American interests, might have seemed to warrant a hope, that the House of Deputies would have been controlled by the same considerations which had determined its success in the other Chamber.

The statesmen of Nicaragua, however, are not to be judged by the rules that regulate the policy of the representatives of the civilized nations of the world. Their apparently fair dealing is nothing more than the cunning of the most unscrupulous duplicity. Their promises are, to a great extent, mere evasions, calculated to promote and end, which they do not allow to be

seen by those with whom they treat; and their policy is one which, from the beginning, looks rather to the means of avoiding the claims upon their national honor, than of meeting them in a liberal and enlightened spirit. This want of directness and candor is particularly shown in their official intercourse with the United States. The national fault is sharpened by a feeling of hostility, which—taking its rise in well-known causes—has not been lessened by the total defeat of their enemies through the vigor and efficiency of the measures, instituted by the Department at Washington. The lawless career of Walker, and the supposed sympathy with him of the people of the United States, have supplied the Nicaraguan Authorities with an inexhaustible fund of arguments against the re-opening of the Transit-route under American auspices. It cannot be denied that much of this intensity of sentiment does really exist in the minds of many of the prominent men of the Republic. The letter of Mr Fulgencio Vega, to which I have alluded in a former despatch (Nº 10) [1] gives, on the whole, I believe, a correct expression to the views of a blind prejudice, that prevail among the politicians of Granada. I doubt very much, however, whether those who make them the ground of their opposition to the contract go, in their own minds, to the full extent of their assertions. The truth is, this sentiment becomes for them something positive in a question, in which not only the actual facts of the case, but the law of nations bearing upon it, are clearly against the course which they have deemed proper to adopt. Each step taken by the Government proves to be an obstacle thrown in the way of an honorable and a friendly settlement of differences, which, in any other country, would long since have been satisfactorily adjusted. While other nations are scrupulously careful not to rest upon propositions which are likely to be falsified, the Government of Nicaragua seems to be strangely reckless of the position she assumes before the world. Starting with the intention of frustrating all the demands upon its justice, its policy appears to depend upon circumstances alone, and has no other connection of parts than such as is presented by the uniform dishonesty by which it is characterized.

A struggle of four months, constantly directed against this system of a natural duplicity, strengthened by a suspicion of the purposes of the United States, rendered me cautious of judging matters as they appeared upon the surface. Had I received from any Government, which entertains a proper regard for its own dignity, such assurances as have been conveyed to me by that of Nicaragua, I would probably have deemed them sufficient to justify a declaration to your Department that the triumph of the question in dispute was no longer doubtful. At the time that the Government of Nicaragua, however, was most frank in its declarations, I had no reason to believe that

ratified by the Congress of the nation. Indeed, I cannot say that I have, at any time, placed such a reliance upon the many promises made to me, as to induce me to report them to my Government. I have contented myself with sedulously watching the course of events to the end—with correcting, when that correction seemed necessary, their sophistry and false reasoning—and with carefully reinstating the Transit-question in the position it had previously occupied, whenever, as in the case of the Commission at Granada, it had been complicated by an unfriendly policy.

It is with the deepest regret, therefore, that I now inform the Department that the Perez-contract, which had, as I stated in my N° 14,[1] been passed favorably upon by the Senate, was defeated in the House of Deputies on the evening of the 31st of March, and that Congress adjourned without farther action upon it.

The circumstances connected with this legislation have left little doubt upon my mind that the Government of Nicaragua had, from the beginning, determined that the rightful demands of the United States should be evaded and baulked. This conclusion has, I regret to say, been forced upon me by continued proofs of a glaring inconsistency between its assurances and its actions, which had been presented from the period of my arrival at Managua until that of my departure. In no other country would, I think, the course of the Government have been marked by a dissimulation so profound, allied to a disregard of consequences so reckless. It were scarcely credible, while the President of a Republic was formally advising the ratification, by Congress, of a contract which he himself had signed, that one of his Cabinet-Ministers should have insinuated about that, though he had advised the ratification, still the recommendation had not gone up without some sense of compulsion. And yet this was currently reported in Managua as an expression coming from the Acting Minister of Foreign Relations, during the last days of the session that closed on the 31st ultimo. I do not give this to the Department from my personal knowledge. As a rumor I heard it, and as a mere rumor I record it in this communication: the strangeness of its character might entitle it to the benefit of a doubt.

As it may be interesting to the Department, I will now give a more detailed account of the events, connected with the discussion of the Perez-contract by the Nicaraguan Congress, than I have hitherto been able to present. The ceaseless remonstrances of this Legation had resulted in deciding President Martinez to enter into a contract with the Yelverton Company, represented by its agent, Mr T. R. Perez. The proposals, presented by him on behalf of the Company, were submitted by the President to the Senate for its advice. That Body commissioned three of its members to confer with Mr Perez; and the result of this conference was a basis of compromise, which having been

repeal the Free Transit Decree of the 24th of March, 1859.

Such was the apparent condition of the Transit-question up to the 29th of March, when the Senate ratified the Perez-contract by a unanimous vote. It had there met with but a slight opposition. It had seemingly conquered the prejudices of members, two of whom, at least, were held to be obstinate in their hostility to the United States. One of those who voted for its ratification was Senator Guzman, who—it may be remembered by the Department—signed, jointly with Mr Fulgencio Vega, the Granada-Contract with George F. Cauty. To a careless observer, who is accustomed to examine only the surface of events, this unanimous action of the Senate might have seemed to render a happy issue to this vexatious question beyond all doubt. But those who have had dealings, for any length of time, with the Nicaraguan Authorities, have always found it both wiser and safer to suspect to the end, and to believe a seemingly fair and open course to be the mere cloak of schemes, wholly opposed to such a policy. When I had considered, therefore, the well-known sentiments of some of the Senators, and their repeated assertions that they would never give their assent to the ratification of any American contract; and when I had seen, besides, that, at the critical moment, they had actually, by their votes, aided in the adoption of the one under consideration; it became apparent to me that the Perez-contract was threatened—so soon as it should come to be considered by the House—with an opposition more formidable than it might have received, had it been honestly opposed and discussed in the Senate.

So, indeed, it proved. Its appearance in the House of Deputies, after its ratification by the other Chamber, was the signal for a most vigorous attack from the Opposition, some of whom were known to be in the interest of the Administration. Every argument was brought forward to defeat the question. The considerations, which had appeared sufficient to the Senate to justify an adoption of the contract, were entirely disregarded by its enemies in the House. No assertion was deemed too extravagant, if it could but be employed as a means of securing its rejection. They repeated the old argument of the Americanization of Nicaragua, that would follow the opening of the Transit-route under an American Company. They went farther, and urged that, in case of its being put into operation, the Panama Company would, for the purpose of destroying the competition, introduce, by its railroad and its line of steamers, hordes of Filibusters into the country. They affected, also, to doubt the ratification, by the Company, of the terms

tary. But the main ground of their refusal to ratify the measure was a technical one. Its opponents denounced the contract as a violation of the Free Transit Decree, to which I have referred, because it granted an exclusive right of way to an American Company. The fate of that contract, beset by an hostility so persistent and varied, could not long be doubtful. It had, it is true, its advocates; but they were too few to influence the final decision upon it. The support of what may—for want of a more distinctive title—be termed the American Party, was earnestly and faithfully given to the contract as signed by Mr Cortez and Mr Perez, and as ratified by the Senate.

A vote of two-thirds was, however, necessary to secure its ratification; and its opponents numbered one-half of the House. It was discussed—was violently attacked, and as ably defended, from the 29th, to the 31st of March, until 5 o'clock in the evening, when the question was taken on the contract, and was lost by an equal division of votes. At 7 o'clock, the Senate attempted to have the matter re-considered by the House. Remonstrances were addressed to the members that had opposed the contract, and conferences were proposed. These attempts at compromise were, however, useless; and the hour, fixed for the final adjournment of Congress, found the resolution of the opponents unshaken. As their vote may be said to furnish a fair commentary upon the nature of the political influences, that were busily exerted during the two days of the discussion of the contract in the Lower Chamber, I annex it [1] as it was recorded by the House-Secretaries.

The Department will be better enabled to judge of the composition of this House-Opposition to the Transit, when it will have learnt that two of them, Messrs: Mejia and Rivas are otherwise connected with the Government of Nicaragua—the former being an employé in the Prefecture at Granada, and the latter, the Editor—and, I am told, the salaried Editor—of the Government-Organ, the "Official Gazette".[2] There may have been nothing in this; but it certainly appears a little singular that two of the five members that voted against the contract, officially recommended by the President, should hold offices under the Government.

I have already stated that the principal argument employed against the contract in the House, was that it conflicted with the Free Transit Decree, which contains a protest against all attempts to give exclusive jurisdiction over the Transit-route, to any foreign nation. By a reference to annex F of my despatch Nº 9, the Department will perceive that Mr Zeledon, under date of January 24th, 1860,[3] had officially informed me that the Transit-question

[1] Not found.

[2] At this point in the original of this despatch is reference to a note at the bottom of the page reading: "Immediately previous to the opening of Congress, an article appeared in the

would be referred to Congress, accompanied by a declaration of the expediency of repealing that decree. The assurance, thus given to me by the Minister of Foreign Relations, was fulfilled in every respect. In such a case as this, however, it would have seemed obvious that the first step on the part of those, who desired to carry out the recommendation of the Executive, would have been to repeal a law already existing, before adopting another which might clash with it. It was clear that, if the Perez-contract were ratified, and if the Free Transit-Decree were allowed to continue unrepealed, there would remain on the statute-book a law, which could be made to operate against the re-opening of the Transit-route. But this consideration was wholly unnoticed by the Senate. They discussed the contract,—they voted upon it,—they ratified it unanimously; but no action was had upon the repeal of a statute, the provisions of which were directly contrary to the measure to which they had formally given their assent.

When the question passed into the House, the same course was pursued, with this difference, that what was not held, by the Senate, sufficient to cause them to reject the contract, was made, in the other Body, a successful plea against its ratification. They disregarded the recommendation of the Executive to repeal the decree, and then objected to the contract on the ground that it was a violation of it. In the face of Mr Zeledon's positive declarations of the 24th January, this action of Congress appears strangely inconsistent. Upon this proceeding, however, I will refrain from offering any comment, other than the suggestion that, had the Senate been earnest in their adoption of the Perez-contract, they would not have allowed the Free Transit Decree—which could result only in rendering it inoperative—to remain unrepealed; and that the opposition in the House kept that law in full force in order to have a ground for rejection.

The unanimous vote in favor of the Perez-Contract in the Senate, and their subsequent efforts to remedy the factious legislation of the House of Deputies, will, perhaps, occasion the Department some surprise. It is not easy, indeed, to entertain full confidence in their sincerity in assuming so dignified a course. In the Senate were found elements—though in a less number—quite as hostile as those of the House; and yet the contract encountered so little real opposition, that it was difficult to believe that a question, which, more than any other, was agitating the public mind, was then under consideration. There were Senators who had, under other circumstances, not only expressed their opposition to the re-opening of the Transit-route under any American Company, but had also declared their conviction that any transit was detrimental to the interests of Nicaragua; and yet these men were found, after but feeble discussion, recording their votes in favor of

with the course pursued by Nicaragua on this question, to suppose that the friendly action of the Senate was but one of the many subterfuges, which, in that country, supply the place of a fair and an open statesmanship. The passage of the contract was, probably, intended to be used as a defence against the well-founded remonstrances of the United States, when their Government should be informed of its final rejection. The whole burden could, in that case, be imposed upon the factious members of the House. The Government of Nicaragua would be enabled to assert that the Executive had referred the contract legally signed, with a favorable recommendation; that, under this recommendation, the Senate had unanimously agreed to adopt it; and that it was not until it had passed into the House, that the opposition became powerful enough to defeat the expressed desires of the former, and the confirmatory action of the latter. There can be no doubt that such a plea would be a most ingenious one. Besides this, it would differ, in nothing, from the policy, which Nicaragua had maintained throughout the discussion of the rights of citizens of the United States, either in reference to the Transit-route across her territory, or to their other claims against its Government.

The House, during the progress of its deliberations, was generally believed to have been pressed upon by outside-influences from the "Cabal" at Granada. It was the subject of conversation among the political circles of Managua, that they had addressed to some of the members an intemperate decree in the shape of a letter. This letter was said to have contained a violent protest against any ratification of the Perez-contract, and to have urged them, either to defeat it or to delay action upon it beyond the adjournment of Congress. It is probable that this was something more than a mere idle rumor; yet in the shape of a rumor merely did it reach this Legation. It was at Granada, however, that the illegal contract with Mr Cauty, intended to supersede the American contract, had been entered into. It is from Granada that the most bitter opponents of the American interest in Nicaragua, have controlled the policy of the present Administration—a policy, which—as the Department is well aware—has been remarkable for the persistent opposition, which it has made to the reasonable expectations of the United States. It was, therefore, not improbable that the *clique* at Granada should have felt anxious, at so decisive a moment, to give the contract a blow, from which it would not be likely to recover. Indeed, this supposition gains a certain confirmation from the fact that—as I was informed by Mr Perez—Mr Figuerroa told him openly, about the same time, that, in his opinion, the most expedient course for Nicaragua to adopt was a "temporizing one." There may, it is true, have been no connection between the opinions of Mr Figuerroa and the alleged nature of the Granada-letter

representative of Granada, and is supposed to be a member of the Cabal, at that nursery of prejudice and hostility to every thing that bears the semblance of American interests.

On the occasion of the debate upon the contract in Congress, as on every other, the conduct of Mr Zeledon has been, in the highest degree, that of a wise and liberal statesman. I am truly gratified to have this opportunity to award to him that justice, which his uprightness and candor so eminently deserve. At the time that the Perez-contract was before the House, to become a member of which he had vacated the Office of Minister of Foreign Relations, he defended it with singular ability and vigor. I have found him, at all times, a man of enlightened views, who has a mind comprehensive enough to appreciate justly the true position, which his country occupies in her relations with the United States. Mr Zeledon is, indeed, the only member of the Government of Nicaragua, upon whose statements I have learnt to rely with any degree of assurance; and, had the Administration been controlled by his honesty of purpose, I feel convinced that the complications, which now surround our relations with that Republic, would long before this have been exchanged for a union of interests, at once more satisfactory to us and, certainly, more advantageous to her.

At this point, it may be proper that I should inform the Department of a measure, which is destined, perhaps, to exert some influence upon the interests of citizens of the United States connected with the Transit-question, and which was concluded two days after the late adjournment of the Congress of Nicaragua.

Under the conviction that, after that event, no favorable result would attend a protracted stay in Managua, I addressed, on the evening of the 31st of March,[1] a note (a copy of which accompanies this) to the Office of Foreign Affairs, announcing my speedy departure from that Capital. On going, the following day, to take my official leave of the President of the Republic, I found Mr Zeledon with him. The conversation turned upon those general topics, which are usually selected on such occasions. I was, however, during the interview, struck by an observation of Mr Martinez', expressing his surprise that—to use his own language—"the Minister was going so soon." But the words did not dwell upon my mind, and I would not have recurred to them afterwards, had not Mr Zeledon, who left the Palace with me, given me a clue to what would otherwise have appeared a remark, called for by a regard for social courtesies alone. He stated to me that the action of the House of Deputies had been the cause of much regret to the President, and that, before my visit, they had been consulting upon the most proper means of remedying it. He added that they had come to the conclusion that the contract, in precisely the same form in which it had been presented to the

dent had deemed it expedient that he should resume temporarily the discharge of the duties of the Department of Foreign Affairs. While answering Mr Zeledon that the practical advantages of this remedial measure did not—in view of what had just been done by Congress—commend itself very forcibly to my mind, I told him that I was gratified by the interest which the President expressed in this important question, and that I would be far, indeed, from throwing any obstacles in the way of any ultimate adjustment, which might prove to be satisfactory to my Government. . . .[1]

He did not delay in executing the plan, proposed as a partial corrective of the action of the House of Deputies. On the same day, the contract that had been rejected by that Chamber, was drawn up anew—formally signed by himself and Mr Perez, and countersigned, for ratification, by President Martinez. On the succeeding day (the 3rd of April) I had left Managua for the coast.

The result of this measure may prove to be that the Transit-question will, during the next session in January, 1861, of the Nicaraguan Congress, encounter as violent an opposition, and, perhaps, as unfortunate an issue, as those to which it was exposed during the concluding days of the extraordinary session, that has lately closed its labors. That Body may, however, on the other hand, learn, before that period, to judge more correctly of the imprudence of the course, which they have pursued in reference to this grave matter. They may discuss it under the influence of a wiser and more equitable spirit, than that which characterized their late action upon it. It is clear that—so far as the Perez-contract is concerned—the Congress of Nicaragua has assumed a position, which can be defended only by disregarding those principles that have, by the common consent of the civilized governments of Christendom, been adopted for the regulation of their intercourse. Nor, as I have said before, have I entirely thought that the conduct of the Executive itself was such as accorded with those principles. It seems to me, however, to be a measure of expediency that the Government of the United States should, in this instance, appear to give credit to the resigning of the contract with the agent of the old "Atlantic and Pacific Canal Company."

The considerations, which would render this policy proper are, I think, obvious. The Perez-contract may be said to occupy a position, somewhat different from that which it assumed during the period that it was subjected to the energetic opposition of the House of Deputies. It then had received the concurrence of the President; but it was evidently a concurrence, neither cheerfully given nor consistently maintained. The determination, with

[1] This omitted portion tells of the resumption of the Ministry of Foreign Affairs, by Mr.

which this Legation had presented to his attention the contracted obligations of Nicaragua and the rightful expectations of the United States, had resulted in its official reference to the Legislative Chambers. But, from the beginning to the end—as I have had occasion to state—his support may be deemed to have been unwillingly given, if not privately withheld. The case is, however, now reversed. The President himself revives the rejected contract, so far as his executive action can do it. In the absence of any suggestions on my part, he determines to remedy, in the exercise of the powers granted to him, an adverse and a factious legislation. The Government of the United States will, therefore, be warranted in anticipating from him a more friendly encouragement, and a more honest and resolute support than he seems to have hitherto given to the rights and interests of American citizens. If, upon the reconsideration of the contract by Congress, the same disregard of obligations, assumed under the faith of the national honor, should be manifested, one course only will remain open to the United States—that course, by which the dignity of a Government can alone be vindicated, when forbearance has been met by insult, and when a long-continued confidence has had no other fruits than a wilful violation of those principles, which harmonize the relations of States.

I regret sincerely that a sedulous discharge of the duties intrusted to me should have ended in results, so little positive for the interests of the Government and the people of the United States. But it is not easy to impress the suggestions of justice upon the prejudices of a nation. The whole mission of an agent of the United States in these countries is a continuous conflict with opposing elements. He can never enjoy a consciousness of having made an advance in his negotiations. He is forbidden to believe that the objects of his Government are gained, even when success seems beyond a doubt. This is why, in most cases, the more proper means of judging of his labors is, not to inquire what he himself has done to further the interests committed to his charge, but in what manner he has crippled the attempts of their Governments to injure them. Judged by this standard, I entertain a conviction that my persistent efforts have not been wholly fruitless.

The policy of the Government of Nicaragua in reference to the Transit, and the rights growing from it, has been to wrest the route, if possible, from the hands of American citizens. All its measures have been directed to that end. It appointed Commissioners actually to execute a contract with a supposed English Company, represented by Mr Cauty. It *invited* M. Levasseur, the former associate of M. Felix Belly, and who was then at San Carlos, to come—as he himself informed me—to Managua, with an intimation that negotiations might be concluded with him. At this period, the American

anxiously awaiting some evidence of the good faith of the Government, that the fraudulent contract, which led to my note of the 9th of February,[1] was signed and published at Granada. The effect of that communication was immediate. The position of the rival Companies was at once reversed. The pseudo-contract with Mr Cauty was ignored by the Administration, and the President declined to ratify its terms. M. Levasseur was notified that no arrangement could be formally made with him; but that his propositions might be referred as a *projet* to Congress. Negotiations were re-commenced with Mr Perez; and the American contract assumed the vantage-ground which it maintained to the end. Matters continued in this condition until the 14th of March, when the articles were signed by Mr Cortez, and received the recommendation of the Executive. The two others were referred, it is true, to the Chambers, but as *projets* only. Their reference was a mere formality, and the session concluded without their being discussed.

In this connection, I have the honor to direct the particular attention of the Department to the Granada-contract, entered into with Mr Cauty, a printed copy of which was annexed to my despatch No 10, of the 28th of February last.[2] That document furnishes, in itself, the most competent testimony against the two Commissioners who signed it, and against the Government that had directed their negotiations.

A fundamental principle of all bilateral contracts, between parties who act representatively for others, is that not only the powers which they exhibit should be held satisfactory, but also that their being in good and valid form should be made an integral part of the declaration. Does this declaration of the "Contrato de Transito", signed by Messrs: Guzman and Vega, on the one part, as authorized commissioners of Nicaragua, and Mr Cauty on the other, as the presumed agent of an English Company, contain an endorsement of the adequacy of the powers granted to him? Is a mere examination "of the corresponding powers and instructions, for the celebration of a contract" a satisfactory proof that they were sufficient for the purposes of the contract? Does not the absence of such a specification, as that the powers of both parties were found to be in due and lawful form, bring doubt on the validity of the document? For, if the preamble be invalid, are not all the proceedings founded upon it equally null?

If the Department will but refer to the printed contract, it will perceive that the preamble sets forth that, "after having examined *the* corresponding powers and instructions for the conclusion of a contract," Messrs: Guzman and Vega state that they proceeded to agree upon certain articles. But it will equally be perceived that they fail to state that such powers and instruc-

tions were found to be in due and valid form. And why this omission, but because they knew that Mr Cauty, who had stepped forth to contract with them, had no powers or instructions for such contract? The fact is, that, on the 31st of January, 1860—the date which the instrument bears—he held neither the one nor the other from the Company, which he assumed to represent. I was confidentially informed by Mr Zeledon, who took cognizance of Mr Cauty's original propositions, that he had no voucher beyond a letter from Mr Croskey, urging him to proceed. In despite, however, of this radical informality—in despite of Mr Cauty's utter disability for concluding a contract, in his representative capacity— in despite of their knowledge that such a contract would have no more effect than a blank sheet of paper—the Commissioners of the Republic signed it deliberately and gave it, so far as they could, all the forms of official sanction. But reckless as they had been in the commencement, they were not bold enough to consummate the act in the end. When they declared, in the preamble, that they had examined *the* corresponding powers and instructions, they merely declared that they had examined their own; for the agent of the English Company had neither to exhibit. Indeed, the whole document may be considered as a bungling fraud, executed solely to give a pretext for rejecting the American contract. Had it been referred alone to Congress, the prejudices which suggested its defeat would have been too manifest; but, accompanied by *projets*, or proposals, from rival companies, that body could urge, as a plea for its rejection, that they had also refused to ratify the others, and that their action had been taken in the exercise of an undoubted discretion.

Hence we find propositions, originally discarded by Mr Zeledon at Managua, in the month of December, 1859, and transferred to Granada, during his absence in the month of February, 1860, for the ostensible purpose of being "listened to" by Commissioners of Nicaragua, strangely converted by them into an actual contract with an agent, who exhibited no proof, either of the existence of an English Company, or of his right to represent them and stipulate in their name.

Hence, also, we find that, whilst negotiations were on foot with the representative of an American Company, and almost on the eve of the meeting of Congress, an intimation—if M. Levasseur, the French manager, has correctly informed me—is conveyed to him from the highest quarter to come on to the capital, with the hope that something might be done in furtherance of his scheme!

The most striking evidence, however, of the fraudulent character of the Cauty-contract is to be found in the omission, in the printed copy, of a portion of its original terms. The Department may remember that, in Mr

made a reference to a breach of trust and to the suppression of a part of the instrument. This, I have since discovered, consisted in the leaving out of the last clause of the concluding article, which appears in the manuscript-original, and which contains a provision setting forth that the stipulations would not be considered as binding and of any effect, unless Mr Cauty should present "authentic proof" of his power to enter into a contract. If the turpitude of the suppressed clause, in the pamphlet transmitted to the Department, deservedly belongs to him, who, through a breach of trust, as Mr Zeledon states, procured its printing and circulation; the dishonesty of its insertion equally attaches to the Commissioners, who signed the instrument in the face of their own declaration that the agent, with whom they were stipulating on the 31st of January, 1860, had exhibited to them no "authentic proof" of his powers to contract. This explains my allusion to the recklessness, which marked the commencement, but which they durst not carry to the end, of their negotiations, which, Mr Zeledon officially informed the Legation, were carried on "in mistake". This transaction would not have been brought thus at length to the attention of the Department, but that it presents a luminous phase in the transit affairs, and exhibits, in a strong light, the spirit of malevolence that has controlled them, and the system of Cretism, which, in their respect, had to be encountered in the discharge of the duties of my ministry. . . .[1]

With the tender of sincerest respect [etc.].

1554

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [2]

[EXTRACT]

No. 19 SAN JOSÉ, COSTA RICA, *June 15, 1860.*

SIR: . . . Since my arrival in this country, I have, with great care, endeavored to discover the sentiment of the Government, and the prominent citizens, towards the United States. There is, I am satisfied, a very intense feeling of prejudice against both our Government and people. Indeed, this sentiment is, I think, more pervading than it is in Nicaragua. In that country is to be found a party, which, although lacking political influence and pecuniary resources, are strongly attached to the prevalence of American

advocate the solid advantages to be derived from it. There are, on the other hand, in the Congress of Costa Rica,—as I have been credibly informed—strong elements of opposition, not only in the abstract, to any measure that may be proposed by the United States, but specially to the settlement of the various claims upon the Government by means of a Convention. Whether that Body will build upon this hostile sentiment a rejection of the Convention, if submitted to them for ratification, I am unable to say. Such a result appears to me, at least, to be very probable.

I forbear, for the present, from expressing any positive opinion upon a matter, which it is difficult to determine, so long as it is in its present state of abeyance. I am inclined to believe, however, that much of the hostility which is, without doubt, felt by the prominent men of the Republic, would be materially lessened were it to be known that this convention, which I have been instructed by my Government to propose, is the ultimatum of the United States. This would have, it appears to me, a tendency to produce a more healthy feeling among them. It would impress them with a better appreciation of the grave responsibilities, which they would be imposing upon themselves and the people whom they represent, in the event of an unfavorable judgment upon the demands of the United States. I am clearly of the opinion that this would be the only means of obtaining any equitable adjustment from Costa Rica, and that she will be ready to defer such an adjustment, so long as the United States will allow her to do it.

The period has arrived, I am led to believe, when it might be expedient that the President, both in the case of Costa Rica and Nicaragua, should authorize the tender of a Convention as a final offer of the United States, which, if refused by them would lead to the most serious consequences. I respectfully ask, therefore, that such instructions—if they be in accordance with the views of the Government, be transmitted to me with the least possible delay. They will, probably, have no bearing upon the action of the present Congress, in case a Convention should be concluded with the authorized representatives of the Government of Costa Rica; but they may be important in remedying any unfavorable action that the Chambers may pass upon it.

I have the honor [etc.].

Alexander Dimitry, United States Minister Resident to Nicarag
Rica, to Lewis Cass, Secretary of State of the United St

[EXTRACT]

No. 20 SAN JOSÉ, COSTA RICA, *Jun*

SIR: My Nº 19 of the 15th instant[2] will, by this time, have
Department that, at the date of its transmission, the Preside
public of Costa Rica had decided to appoint Commissioners
me and that, under their powers, an initial meeting had, on the
been held, at this Legation, touching the settlement of claims o

After the first meeting, from a variety of causes, controlling
the Commissioners of Costa Rica, which press of business will
here fully to detail—but which shall be embodied in the stat
transactions, minuted from day to day[3]—the conferences we
until Monday the 25th instant, when they were again gone into
followed up to the end.

I now have the honor to report to you that, through a some
course, the question has taken a more desired turn, which, wit
action of the Congress of Costa Rica, will, I trust, speedily lea
the redress of our grievances. On Friday the 29th instant, a
conferences, each of three or four hours' duration, the articles of
were agreed upon and closed. They are, at this moment, bein
in duplicate, into the English and Spanish languages, so tha
next, the 2d of July, Sunday intervening, they shall be ready f
ture. . . .[4]

Yours very respectfully [etc.].

1556

Antonio José de Irisarri, Guatemalan Minister to the United S
Cass, Secretary of State of the United States[5]

[TRANSLATION]

Confidential BROOKLYN, NEW YORK, *Ju*

Most EXCELLENT SIR: In the latter days of November of the
I received a note from the Minister for Foreign Relations of
which he charged me that I should recount to you that the Min

[1] Despatches, Nicaragua & Costa Rica, vol. 6. Received July 24.
[2] See above, this part, doc. 1554.
[3] The minutes of these conferences are not included in this publication f
in the preface to the first volume.

Government, in the name of his Government

> a protest; first: against the Treaty of the thirtieth of April 1859 between the Government of Guatemala and the Government of Great Britain, as a clear and palpable violation of the letter, of the spirit, and of the stipulation of the Treaty between Great Britain and the United States of America dated the 5th July 1850, and commonly known as the Clayton-Bulwer Treaty.
>
> Secondly: against the conduct of the Government of Guatemala for cautiously withholding and concealing from the American Representative then resident at that Court and that capital, all knowledge of the negotiations then pending, which vitally affected the interests and policy of his Government, depriving him by this means of the right and privilege of defending those rights, and of maintaining that policy, as a violation of established courtesies, which pertain to and have existence in diplomatic relations, and with want of attention to the right of the United States to that impartiality which is supposed to exist in favor of a friendly power when the rights and interests of that power, are implicated, and thirdly, against the concession by the Government of Guatemala to Great Britain of possession and title of and to the territory described in said Treaty of the thirtieth of April one thousand eight hundred and fifty nine, as opposed by the whole history of the Central American confederation, and opposed likewise to the entire history of Guatemala up to the date of said Treaty.

As at the time when I received the note referred to, the Department of State must have been seriously occupied by reason of the approaching meeting of last Congress I suspended my journey to Washington for the discussion of this matter with Your Excellency, until you might be less incumbered with engagements, not considering the affair of which I was held to treat to be of very urgent nature. For this reason, I waited untill the termination of the session of Congress, and was about to put myself en route for the capital, when by unlooked for accident, my right foot was fractured, and put me in a state not to be able to determine when I shall be in fit condition to see your Excellency in person.

For this reason I find myself under the necessity of discharging in writing the commission which I received from my Government, in place of doing so verbally.

The President of the Republic of Guatemala has believed that the Representative of that of the United States of America at that Capital made the protest referred to, without having instructions from the Department of State to take such step, and he so believes, with the more reason, because that Representative in his note of the first of October eighteen hundred and fifty nine,[1] in which he makes the protest referred to, does not say that he

treaty of the thirtieth of April Eighteen hundred and fifty nine, entered into between the Republic of Guatemala and the Government of Great Britain as a violation of the Treaty between the United States of America and Great Britain known by the name of the Clayton-Bulwer Treaty, when this Treaty cannot in any matter ever commit the Republic of Guatemala, that Republic not having been one of the contracting parties. If such violation has occurred, the protest should have been directed against the Government of Great Britain, but never against that of Guatemala, which was not a party to the stipulations of the so called "Clayton-Bulwer Treaty."

Your Excellency knows very well that, he cannot be accused of violation, who has in no way committed himself, and much less with the violation of a treaty in whose formation he was not consulted.

The Clayton-Bulwer Treaty was made between the United States of America and Great Britain the fifth of July one thousand eight-hundred and fifty, and scarcely made, when it was noticed that each of the contracting parties had given to it very opposite constructions; and even now, after a lapse of ten years, nothing has appeared to show that the contracting parties had become of accord upon the true understanding of the first article of the Treaty mentioned.

There was then no motive, no reason why the Government of Guatemala should abstain from exercising the perfect right it had to regulate with the Government of Great Britain questions existing in relation to the possession which, good or bad, that nation held in the territory of the Belize.

The Government of Guatemala exercised therefore the right, which no one can dispute, of regulating its own interests, when it was not committed by any existing treaty to consult the opinions of another power, foreign, however friendly, and whatever sympathies it might have for her—The Government of Guatemala has believed that it would derive advantages to its tranquillity, and its commercial relations from the stipulations contained in the Treaty of the thirtieth of April eighteen hundred and fifty nine: has exercised the right which belongs to every Government to do that which it believes best suited to national interests, without causing injury to those of other nations; and although a small Republic, it must hope that all the powerful nations of the Earth may respect in her the rights of Sovereignty, which are not more sacred in their nature in great and powerful empires than in small states.

The reasons I have set forth being considered, I hope the Government of the United States may be pleased to declare as not made, the protest which the Representative of this Government sent to the Department of Foreign

it could be founded, and I doubt not the response to this note will give proof to the whole world of the justice and uprightness of this Government.

With the highest consideration [etc.].

1557

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

[EXTRACTS]

No. 21 SAN JOSÉ, COSTA RICA, *July 15, 1860.*

SIR: The Pacific mail of the 3d of this month came up from Punta Arenas; but it brought me no advices from the Department. From that fact, in the juncture of our public affairs here, as reported, I was warranted in judging that my government, previously apprized of the point to which things, in Costa Rica, had been brought, was willing to let them follow their course.

By despatch Nº 20 of this Legation, date June 30th 1860,[2] the Department was informed that articles of agreement, on the subject of claims of American citizens, had, after much discussion, been closed between myself and the Plenipotentiaries of Costa Rica, and that they were then abiding the copying of the instrument, by the clerks, for conclusion and signature on the second day of July instant.

This I now have the honor to state was done at this Legation, on the appointed day; and the instrument having been handed, by the Commissioners of Costa Rica, to the President of the Republic on the 3d, it was, by him, referred to the Supreme Legislative Powers on the 4th of July instant. I am gratified to acquaint the Department with the final result, conveyed to me thro' the official note of the Minister of Foreign Relations, of the 13th, transmitting the ratifying Decree of the Congress of Costa Rica, of the 12th of July instant.[3] . . .

In expectation of farther instructions from the President, positive and final, in relation to our affairs in Nicaragua, whither I shall conveniently return, I have the honor [etc.].

[1] Despatches, Nicaragua & Costa Rica, vol. 6. Received August 4.

[2] See above, this part, doc. 1555.

[3] This omission, which begins in the midst of a sentence, relates to details of the negotiations which led to the conclusion of the claims convention, referring to several pertinent enclosures, among them minutes of the conferences. It also refers to assistance rendered by the Minister's son, who was the bearer of this despatch to the Department. Courtesies shown by the Costa Rican Government by displaying its flag on the 4th of July and honor-

Aniceto Esquivel, Minister of Foreign Affairs of Costa Rica, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

No. 22^ SAN JOSÉ, COSTA RICA, *July 26, 1860.*

SIR: The copies, which the Undersigned has the honor to annex,[2] will inform Y. E. that William Walker, the adventurer, has again turned up, threatening some point of Central America with invasion and with the violation of its territorial integrity.

On this occasion he directly menaces Honduras; but the character of the threat is such as to justify the Central American Republics in considering the danger of any single one of them as involving their common security and peace. The experience of the past, therefore, imposes upon them the imperative duty of not appearing indifferent to the call of Honduras; although these threats and alarms of William Walker, the enemy of the tranquillity of Central America, should be ascribed to vague rumours.

Costa Rica, for her part, will in a given case, resort to every appliance within her power and means. In this view of things the President has, as one of the most suitable means, directed the call of Y. E's attention to the question and the communication of the documents, which have been received from Honduras, so that you may be pleased, should you deem it proper, to transmit them to your Government, in pursuance of that friendly spirit, of which you have manifested repeated proofs.

The Government of the powerful Republic of the north holds in its hands the most effective means of cutting off this evil and of repressing all unlawful undertakings; and Costa Rica, at this day, can allege cogent reasons for believing that that Government will apply them with all the energy which it has ever used.

Under these convictions, confirmed by the friendly co-operation of Y. E. in like cases, the President looks forward to an effective result. Be pleased to accept the distinguished proofs of the esteem and respect, [etc.].

[1] Despatches, Nicaragua & Costa Rica, vol. 6, enclosure No. 22^ with Dimitry to the Secretary of State, No. 22, below, this part, doc. 1559.

[2] Not included in this publication.

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to William H. Trescot, Acting Secretary of State of the United States [1]

No. 22 SAN JOSÉ, COSTA RICA, *August 6, 1860.*

SIR: I have the honor herewith to inclose, in the form of translations, for the knowledge of the Department of State, a communication of Mr Aniceto Esquivel, Minister of Foreign Relations of Costa Rica,[2] accompanying three documents,[3] relative to an invasion of Roatan Island, or, better, to a visit, purported to have been made to it by Mr William Walker.

Conscious of the disasters and afflictions, which the presence of this man has, in times past, brought upon these people; And aware of the dread, which heralds the bare mention of his name, over the whole expanse of these countries, I am far from astonished that they should look upon his appearance in the waters of that portion of Central America, which they inhabit, as an evidence of the renewal of designs, which, to them, portend nothing less than spoliation of their property and obliteration of their nationality.

Honduras is out of my ministerial province and I deeply regret that our Government should be, at this day, unrepresented within her territory. So

[1] Despatches, Nicaragua & Costa Rica, vol. 6. Received September 3.

[2] See above, this part, July 26, 1860, doc. 1558.

[3] Two of these, one from the British Consul at Comayagua, reported information received from Belize that Walker was approaching the Bay Islands. The text of the third, to which the others were enclosures, follows:

F. Gómez, Minister of Foreign Affairs of Honduras, to the Minister of Foreign Affairs of Costa Rica

[TRANSLATION]

No. 22[B] COMAYAGUA, *July 7, 1860*

SIR: In the midst of the calm, which in these parts, this Republic has for sometime enjoyed and under the content of its population, attending the beneficent influences of peace, an event, imposing and threatful in its character, has occurred to disturb that tranquillity, which has been the constant aim of the President of the State, from the moment that the popular will called him to the sway of the Government. Walker, the adventurer, now makes his appearance in the Bay Islands of this Republic, displaying his standard of destruction and ruin, which he has sworn against all the States of Central America. I am justified in this assertion by the documents, which I have the honor to transmit to you for the knowledge of His Excellency, the General President of the Republic of Costa Rica.

Honduras in the meantime has taken every measure of defence in keeping with her resources; and she hopes that the patriotism of the people of the States, roused by the call of national independence and of the public liberties, now threatened, will not fail to turn to the point, where duty to the safety of the country directs. But as the means of this State may probably prove inadequate to repel this freebooting invasion, His Excellency, the President has, through my channel, deemed proper to communicate knowledge of the foregoing facts to His Excellency, the President of your Republic, in the conviction that, should a necessity arise, the Government of Costa Rica, will willingly assist Honduras, with all its power, in the imminent struggle; since the consequences, which it involves, not only directly jeopard the independence of this State, but they endanger also that of the other Central American States.

which the undeviating course of the President of the United States has justified me in giving to the members of the governments, near which I have the honor of representing mine. In this particular instance, I have not deemed myself called upon to pass any formal note, in answer to that of Mr Esquivel of the 26th ultimo;[1] for nothing more could have been said, within the allowable limits of the most extended communication, than has been, times and again, re-iterated in many an exchange of views, on this subject, with the functionaries of those governments. Besides this fact, as the language of the Honorable Minister of Foreign Relations did not seem to invite any action of this Legation beyond that of transmitting the documents to [the?] government of the United States, I deemed it proper to limit mine to conveying to your Department the translations of them, which are hereto annexed.

With sentiments of very great respect, I have the honor [etc.].

1560

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to William H. Trescot, Acting Secretary of State of the United States [2]

No. 24 SAN JOSÉ, COSTA RICA, *August 15, 1860.*

SIR: With your Nº 17 of the 30th of June ult:[3], I have the honor to receive copies of the two resolutions of the Senate, adopted, respectively, in Executive Sessions, on the 26th and on the 27th of that month,[4] touching the treaty with Nicaragua of the 16th of March 1859.

Your instructions making it my duty again to bring up this treaty question, and to submit the amendments of the Senate to the government of Nicaragua, had been foreseen in my own intentions; and they will now be followed up, so speedily as the arduous season of the year will have allowed me to reach the capital of the Republic of Nicaragua. When submitted, those resolutions, I beg leave to assure the President, will command my most strenuous endeavors in order to procure, from that government, the assent which your Despatch desires.

The formal omission, by the Senate of the United States, of the last clause of the Sixteenth Article of the Treaty, is an act, which, I apprehend, will

[1] See above, this part, doc. 1558.
[2] Despatches, Nicaragua & Costa Rica, vol. 6. Received September 3.
[3] See above, this volume, pt. 1, doc. 1137.
[4] For the provisions of these resolutions, see above, this volume, pt. 1, note 2, p. 172.

meet with little opposition in the Congress of Nicaragua, considering that they have already, with clumsy malice, directed its obliteration, though nursing its insolence, in the peculiar wording of the Legislative decree of ratification—if I mistake not—of the 22d of July 1859.

The addition to the second clause of the same article is one, which, I equally conceive, is calculated to meet with feeble, if any reluctance, in the Congress; seeing that it was, in the origin, grudgingly conceded by Nicaragua— *haud ignarus loquer*—to the demands of the present administration; and that the Republic must, therefore, be supposed to be most willing to recede from a stipulation, which the wise foresight and unsleeping vigilance of that Administration had wrung from her, in provident guaranties of the freedom, the Security, and against the perversion—it may be—of the Isthmian route across the territory of Nicaragua. Under all circumstances, both of the Resolutions will be pressed on the acceptance of the government of Nicaragua; and although the past does not hold out to me many hopes for the future of my mission in that Republic, I shall still proceed as if I had a right to every favorable expectation on the part of her government.

I have the honor [etc.].

1561

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to William H. Trescot, Acting Secretary of State of the United States [1]

[EXTRACT]

No. 26 LEÓN, NICARAGUA, *August 28, 1860.*

SIR: . . . The question of our treaty with Nicaragua cannot, in however cursery a manner, pass unnoticed even in the close of this Despatch. Viewing, under every light, the only essential amendment made by the Senate, it cannot fail to meet with the concurrence of both the Executive and the Congress. As they are known to have reluctantly admitted the second clause of the Sixteenth Article; so is there every reason for inferring that they will cheerfully accept its obliteration by the Senate of the United States. The time, however,—six months from the 27th of June—defined for concurrence in the admendments and for the exchange of the ratifications, will bring the decision of the Legislative body of Nicaragua within the 27th of December next. But the regular, biennial session of the Congress, by the terms of the Constitution, must take place on the 1st of January 1861, four days after the expiration of the period fixed by our Senate for the ratifications of the treaty and for their exchange in Washington. Had the sug-

gestions of my Despatch of the 29th of January last,[1] I believe, been before the Senate of the United States; it is hardly presumable that they would so shearly have cut off the period for the ratifications, which, as the question now stands, will inevitably require a extra session of Congress, if it be that Nicaragua really and sincerely desires to contract treaty relations with our government. In my anxiety to save a treaty, around which some strange fatality seems to hang, from falling through by want of the proper concurrence of this government; my efforts will be directed to secure the call of an extra session. In the face of the entirely exhausted resources of the country, fitly represented by a hopelessly bankrupt treasury, I shall with much energy, however little hope, address myself to the arduous task.

I have the honor [etc.].[2]

1562

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [3]

No. 27 MANAGUA, NICARAGUA, *September 11, 1860.*

SIR: The doubts, intimated to the Department, in my Nº 26, of the 28th ultimo[4] dated from Leon before my arrival here, as to the real and sincere intentions of the Government of Nicaragua finally to accept and fairly to ratify the Treaty of the 16th of March 1859 as lately, and entirely within their own views, amended by the Senate of the United States, or indeed to accept and ratify it at all, will, I regret to say it, have been painfully realized by the tenor of a communication which, this day received from the Minister of Relations,[5] I annex in the form of a translation for the judgment of the Department of State.

That communication, originally addressed, in part, to Mr Molina, the Chargé d'Affaires of Nicaragua in the United States on the 28th of August last, before the American Minister had reached Managua, and referring to the then contemplated intents of the government, is, on the 11th of September, transcribed, with additions of that date, for information directed to be conveyed to this Legation, by order of the Senator-President of the Republic of Nicaragua.

Now, you will have perceived that the note intimates beforehand a disposition or a resolution—I care not which—not to call an extra session of Con-

[1] Probably, his despatch of January 30, 1860, above, this part, doc. 1543.

[2] A postscript, not included in this publication, referred to a letter which he had just re-

occupation of Truxillo, in that State, might prevent such a call of the Legislative Body to ratify the Treaty as amended by the Senate of the United States. For a conclusion of this nature, on the part of Nicaragua, conveniently suggested to her by Walker's renewed attempts, and for the very motives, which she adduces, however flimsily and dishonorably adduced, I was already prepared from the consistent tenor of her whole course in regard to this Treaty.

Experience, since my residence in this country, and commerce with some of its leading men have fully taught me that the system of Nicaraguan managers—I cannot call them statesmen—is the Chinese system of exclusiveness. With comparatively few, and only a few, able men, who successively appear on the theatre of public action; it is to their interest to provide every means, which may place them prominent before, and make them necessary to, the masses of the people. Hence the policy of some hundred men, at most, who control the destiny of this people, to preach a severance from all foreign intercourse;—to keep them away from foreign connections, which, by inevitable contact, might teach them the lamentable inferiority of those, who pretend to sway their interests, social and political. This feeling, I am satisfied, especially underlies their every form of action in regard to the United States, which they really fear and which, therefore, they deeply hate. Little, if any, doubt do I entertain that the prevalence of such a spirit, fostered and sustained by Walker's latest invasion, has been strengthened by that untoward event, which has lent an unfriendly government a convenient pretext for declining to repair a wrong, which, now running into years, they seem determined still to prolong.

The apprehensions, which, from this renewed foray of Mr Walker, had dwelt upon my mind, as likely to be obstructive of the duty, imposed upon me by my government, or of the achievement of its lawful wishes, have been unfortunately realized in the result of the decision of the Senator-President of the Republic as to the call of an extra session of Congress. This, it will have been seen, expects that the United States' Government will prolong the term, fixed for the ratifications of the Treaty by Nicaragua, and for their exchange, until the regular January term of 1861. I have signified to the President, in a friendly, though formal, interview, which I had at [the?] Chambers with him, this very day, that such a request could not possibly meet the sanction of my government. That it implied one of two things; either a called session of the Senate of the United States, or the fall of the Treaty, by failure of Nicaragua to convoke her Congress within the allotted time. That the former could not be expected by Nicaragua, which had created the difficulty; whilst it was clearly her duty to have recourse to the latter means.

attach to Nicaragua, that had intrusively added to it stipulations, which, it was natural to infer, must prove disgracious and unsatisfactory to the United States. I urged upon him that now that all cause of dissidence, on this question, had been removed between the two governments, I did not perceive how that of Nicaragua, if anxious, as it professed to be, to close relations of amity with mine, could absolve itself from the obligation of calling the Congress together for the purpose of ratifying a treaty which it had originally disfigured by intrusive and inadmissible additions, which my government never could consider as amendments.

With the declaration from the Senator-President that his government is now, as it has ever been, desirous to cling to the United States, he stated that, in his judgment, the straightened condition of Nicaragua, should commend itself to the friendlier consideration of the United States. That the unforeseen expenditure of moneys to which the appearance of Mr Walker, within the waters of Central America, had subjected the Republic, forbade his government to appropriate even the two thousand dollars, which the extra Session of Congress would necessitate and that his Government, therefore, looked to the forbearance of that of the United States for a prolongation of the time, until the regular period of Assembly in January 1861.

With my closing remark that such a decision, on his part and thus expressed, was, in my judgment, a practical rejection of the treaty, to which he demurred, we closed the conference. The facts, connected with it, are, in this despatch, fairly laid before you; and I leave it to your appreciation to measure their bearing; though I deem it my duty to suggest that Mr Walker's invasion of Honduras has proved a Godsend, speciously improved to justify this government in receding from its plight. In this, as in former instances, I believe that it has, in no way, demerited from its well-earned reputation for doubledealing and subterfuge.

I have the honor [etc.].

1563

Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

No. 27-A MANAGUA, NICARAGUA, *September 11, 1860.*

Mr MINISTER: Under this date, I write the following to Mr Luis Molina, Chargé d'Affaires of Nicaragua in Washington:

> By a note, addressed to you on the 28th ultimo, I stated that the armament, caused by the occupation of Truxillo by Walker, might prevent

ments proposed by the Senate of the United States to the Lamar-Zeledon treaty, and that you should be pleased to communicate the same to the Secretary of State.

If, at that time, there was reason to doubt of the feasibility of an extraordinary session of Congress, still a hope was entertained of the speedy disappearance of the enemies of public morality and of our tranquility, and that, therefore, the Government might apply its measures to the reunion of the Chambers; but, up to this day, no news has been received of the movements of Walker, nor of the state of things in Honduras, so that our fears are not removed; and as the period, marked out for the ratification and exchange of ratifications of the aforesaid treaty, may lapse, the Senator-President has ordered me to solicit, through your channel, a prolongation of the time, which may include the period of the ordinary sessions, which take place between January and March, in order that the proposed amendments may be brought to the knowledge of the Legislative power.

And, by order of said Senator-President, I have the honor of transcribing the foregoing, for your information.

I am [etc.].

1564

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua [1]

No. 28[A] MANAGUA, NICARAGUA, *September 14, 1860.*

Mr MINISTER: Your note of the 11th instant,[2] communicating to this Legation extracts of your Despatches to the Chargé d'Affaires of this government, in Washington, under the respective dates of the 28th of August and of the 11th of September 1860, has duly come to hand. That note found me in the preparation of the correspondence with my government by the Steamer of the 15th from Punta Ycacos to Panama. But for that circumstance, its unforeseen tenor and unexpected intimations would have secured the immediate and appropriate acknowledgment which I now have the honor to make. Though done at a period somewhat delayed by that circumstance, I trust that it will not miss its friendly object in soliciting the most serious attention of your government to the very unfavorable posture, to which your instructions to its Minister in Washington have brought the question of the treaty of the 16th of March 1859, as lately and maturely amended by the Senate of the United States.

It is a duty from which I cannot refrain, M[r] Minister, to state to you with great respect, but with equal earnestness that, in a seeming frustration of the

best and friendliest objects of my government, the intimations of yours put a very forbidding aspect on a question, from which constant assurances of the good will of Nicaragua had contributed to allay and avert its fears. To you, Sir, I willingly leave it to judge of the feeling with which my government, heretofore yielding to its better hopes and relying on the better intentions of Nicaragua, will have been apprized of the later conclusions, which the extracts of your note so unmistakably indicate. I am free, Mr Minister, to convey to you my perfect conviction that the views of the Authorities of the Republic, suggested to this Legation by the character of your instructions to Mr Molina, will constrain the President of the United States to the belief, if not to the assurance, that the period has not yet come when those fears, trustingly struggled against, are to be effectually dispelled. From the responsibilities of this less satisfactory state of things, I am pleased to think that my government will have been placed in a condition of absolute immunity by its fair and straightforward conduct; while the consequences of a course, which looks to a contrary direction and which I have no authority to declare but which may be easily foreseen, will, in the event of their occurrence, be justly traceable to this unlooked for action of Nicaragua.

The history of this Treaty, scarcely matched in the annals of international negotiations, which I do not deem it necessary at present to enter into, among many disagreeable features, exhibits one now reproduced by this action of Nicaragua, under circumstances of a nearly identical character. In 1858, as appears from Decree Nº 42 of your Legislative Acts, when the Treaty of the 16th of November 1857, known as the Cass-Yrisarri Convention was, by the Assembly of Nicaragua, declared "to be ratified, without modification in acknowledgment of the loyalty of the United States"; the sanction of the Executive was withheld from it for reasons hitherto unexplained or, if attempted to be explained by Mr Minister Cortez' note to Mr Lamar, done in such form as to have proved unsatisfactory to my government. This, by no means expected, mode of proceeding on the part of yours was almost immediately followed by a communication of the Minister of Relations of Nicaragua, represented to be of the date of the 1st of May 1858 and instructing her Minister, then accredited to the United States, to obtain from their government "an extension of the time within which the exchange of ratifications is to take place."

With what has since occurred, you, Mr Minister, from the various public positions which you have worthily held, must be thoroughly familiar.

of the original article, which you, Mr Minister, are fully apprized had failed, from the beginning, to meet with the cordial approval of your Congress;—when, I say, after three years of embarassments and delays growing, I fear, out of the ungenerous mistrusts of Nicaragua, this has been done and the United States have every right to expect, if not to insist, that every farther embarassment shall be kept from a consummation to which this Republic is more than technically bound;—then it is that instructions to your Minister, in Washington, have gone to remind my government that what had taken place on the 1st of May 1858 has again been resorted to in August 1860 in the renewal of an application through your Chargé d'Affaires, for "a prolongation" of the period of ratification, as limited by the Senate of the United [States], so that it shall be comprised between the months of January and of March 1861.

This measure, in relation to the Treaty, into the motives of which, as set forth, I beg you to believe I shall not be so presumptuous as to inquire, may, however, be supposed to have been determined very soon after the receipt of the information that the Convention had been ratified by the Senate. To this inference I am allowably led by the extract from your instructions, to Mr Molina, of the 28th ultimo, in which it is said:

> The levy of arms, on account of the occupation of Trujillo, might prevent the calling of Congress to bring to their knowledge the amendments to the Lamar-Zeledon treaty, proposed by the Senate of the United States; and that he may be pleased so to represent it to the Secretary of State.

Readily admitting the inherent right of every government to determine and, determining, to act for itself; I am not prepared for the admission that, in whatever such government may think proper to do, its action can be unquestionably allowed to work to the detriment of other governments, when they have given neither just, nor even plausible, cause. This, Mr Minister, is the enunciation of a truism, for which I feel myself disposed to claim your indulgence. In the instance, however, to which the tenor of your note calls for this reference;—coming to a conclusion from causes, with which the government of the United States never had, have not, and by no means, can have any connection;—from causes which, times and again repudiated by them, they have consistently reproved, condemned and sought, within their lawful powers, to abate;—the government of Nicaragua, by a determination which might, under a less friendly judgment, look like an easy avail of irrelevant causes, has intimated a course in regard to an international compact which, if carried out, must produce the detrimental result so far as the United States and their dignity are concerned.

Conceding, therefore—cheerfully and unreservedly conceding—the right

will scarcely have conceded, that their presence in Honduras, or that the apprehensions or necessities, which it may now or prospectively impose upon your government, can justly be invoked as being so sufficient and controlling a cause as to demand the course, which it has selected, in directing your worthy Minister in the United States, to pursue through the application for an extension of the time assigned for the ratifications of the Treaty and for their exchange. Not only will it have repelled the admissibility of such a course; but it may also be justified in considering it a delay, full of the gravest consequences, most unaccountably brought to bear on the settlement of a question, which, it may be said, once practically adjusted by the action of your Congress and now irreproachably amended by the Senate of the United States, is, after three years of procrastinations, again and surprisingly put in sufferance.

The President of the United States, I apprehend, Mr Minister, will not have failed, in the consideration of this matter, duly to weigh the precursory intimations of your instructions to Mr Molina, of the date of August 28th ultimo. Given out, as practicably as possible, after your government had received, through him, information of the ratification by the Senate of the United States and before the amendments of that body had been duly presented by this Legation;—given out, at the very date indeed, when, on my way from the city of San José of Costa Rica and *en route* for your capital, I was, from the city of Leon, communicating with my government on this subject; they are now found, to my exceeding regret, embodied into more defined shape and realized in a quotation from your additional instructions of the 11th of September, directing your Minister in Washington, by order of His Excellency, the Senator-President, formally to request a "prolongation" of the period fixed by a late amendment of the Senate for the ratifications and their exchange, in view of an armed descent lately operated by Genl Wm Walker on the coast of Honduras.

You will not, I trust, do me the injustice to suppose that I can be so heedless an observer of events, or so indifferent a judge of the dangers, with which the invasion of a conterminous State may threaten the peace of this Republic, as not properly to estimate the value of the reasons which have swayed your government in renewing a request of postponement, which will have been received as a very strange proposal under a fair review of the circumstances of the case. Sufficient as they may be for the Authorities of Nicaragua, I cannot believe that they have commended themselves to an equal appreciation in the judgment of the President of the United States. The conclusion—for the sake of good feeling and friendly reciprocity I trust that I err in using the word—the conclusion to which they seem to have come,

Still confiding in the fair disposition of Nicaragua and wholly unprepared for a contingency, which the proposal indicates, they have furnished me, I frankly state to you, Mr Minister, with no instruction on this head beyond that of enforcing upon yours the binding necessity of confirming, through the action of your Congress, the treaty of the 16th of March 1859, within the period fixed by the Senate's amendment. But I am not the less certain that the proposal cannot, under any circumstance, be either accepted by, or acceptable to, the government of the United States. A similar course, pursued by your Authorities, under a similar aspect of the matter, has heretofore called for an answer on which, I feel, you may be authorized to rely in the present instance. That answer, conveyed in times past, through your Representative, in an official note of the Secretary of State of the United States, is no doubt on the files of your Department. I beg, Mr Minister, that you will allow your attention to be called to that portion of it, which, touching the present question of an "extension of time," may be safely reproduced as an exponent of the still abiding opinions and views of my government.

Acknowledging the receipt of Mr Yrisarri's communication of the 30th of May 1858,[1] informing the Department of State that he is instructed to make a proposition, which was renewed on the 28th of August 1860, Mr Secretary Cass writes in reply:[2]

> I have the honor to acquaint you that your note has been laid before the President, who has directed me to state that this information has occasioned much surprise and disappointment. Hitherto this government has unequivocally shown the strength of its own wishes (for the maintenance of lasting peace and harmony between the two republics) but as it feels bound to consult its own dignity and interests, even in preference to this desire; I am further instructed to inform you that, under existing circumstances and after the strange and unexplained proceedings, which have delayed the Treaty in Nicaragua, your application for an extension of the time for the exchange of the ratifications cannot be granted.

Will your Excellency, I would respectfully ask, believe that such a request can be now acceded to, especially with the accumulations of two years of additional delays and vexatious disappointments following, from the time when it was first made, down to the present, which witnesses its renewal? Will you not, on the contrary, Mr Minister, allow me to inform my government that yours, receding from its instructions, will direct others in such a way as to meet with the conclusions of mine? The only means of accomplishing that end, it has already been intimated to you, lies in a call of your

deemed certain, will have put it out of the power of Nicaragua, in consequence of her own course, to ratify and exchange within the limit prescribed; thus inflicting a serious evil, which is yet fortunately within the reach of her control. In the meantime I have the honor of annexing *pro forma* translations, in the Spanish language, as elucidations of the amendments of the Senate to the treaty of the 16th of March 1859.

With the tender of my perfect esteem and consideration, I have the honor [etc.].

1565

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 28 MANAGUA, NICARAGUA, *September 26, 1860.*

SIR: However ailing, at this time, under the prostrations of this wasting climate and although still unable to convey to you any information of a favorable nature in regard to the action of Nicaragua, touching our treaty with her government; I cannot allow the Steamer of the 30th instant to go down, without addressing to the Department even an unsatisfactory report of things as they exist. They have undergone no change since the date of my Nº 27,[2] enclosing to you the translated copy of Mr Zepeda's note of the 11th of September instant.[3] The Senator-President, who shaped the course of this government in the matter and dictated the instructions to Mr Molina, has resigned his temporary hold of Authority to General Martinez, who, in a better state of health, has returned to the exercise of the Executive powers. This alternation of Authority, however, has so far resulted in nothing conducive to either the wishes or the interests of my government. Neither the retiring, nor the returning, functionary seems disposed to remove the question from the position in which it has been placed by the direct action of the one, and the seeming assent of the other, functionary. That course I fully understand. They are not unaware that great national interests make it desirable for us to have a treaty with them; while, I regret that I have to say it, my experience justifies me in believing that no reciprocal desire exists on their part.

That course, therefore, is intended either to force upon the President, in order to save the treaty, the necessity of calling the Senate in extra session to prolong the period of ratification, which, subservient to their probable wishes, turns out to have been made unfortunately short, or to justify them in allowing the treaty to fall through, by the negative process of non-ratifica-

quires an extra Session of their Congress and that their exhausted treasury—an indubitable fact—will not admit the expenditure which its call must involve. Indeed I am not, on this latter head, left merely to my own inferences. In conversations with the Senator-President on the subject, opportunities for which were opened to me by our residing at the same house, and throughout my endeavors to move him to another course, his steadfast declarations went to say that, in the condition of their finances and under the outlays, to which Mr Walker's invasion compelled her, it was impossible for Nicaragua to provide the appropriation of moneys, which an extraordinary session of her Congress would necessarily demand.

It was under those circumstances that Mr Zepeda's communication of the 11th of September instant, already communicated to the Department, came to confirm apprehensions which I had entertained even before reaching Managua. On its receipt, I wavered as to the propriety of an immediate reply. The views of the Senator-President, displayed in his intimations, might, as I thought, yet be brought to a change and hence I deemed it prudent to withhold the answer, which was prepared two or three days after the receipt of Mr Zepeda's note. The transfer of power, however, having occurred; one President having succeeded the other in authority and no notice, no intimation, having been given to the Legation of any change of purpose of the authorities of Nicaragua, I considered it both expedient, in the juncture of affairs, and demanded by the dignity of our government, yesterday to transmit to Mr Zepeda the note of the 14th of September [1] of which copy is herewith annexed. Upon a careful re-perusal of its contents I indulge the belief, unless laboring under a total misconception of the merits of the question, that the representations of that note mainly correspond with what, I trust, my government would have directed me to state to the Minister of Foreign Relations.— Hence I confidently look for the approbation of its tenor by the President, believing that he will have judged that the character of the communication was moulded on the nature of the circumstances.

With very great respect [etc.].

[1] See above, this part, doc. 1564.

Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

No. 29-A MANAGUA, NICARAGUA, *September 26, 1860.*

SIR: This day at 10 o'clock A.M. I received a dispatch of yours of the date of the 14th instant.[2]

As my government is about to move to Granada, where it will remain some days, I propose to myself to submit that despatch to His Excellency, the President, satisfied, for the present, with this acknowledgment and subscribing myself [etc.].

1567

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua [3]

No. 29-B MANAGUA, NICARAGUA, *September 26, 1860.*

SIR: I have just received your communication of this date [4] informing me that, at 10 o'clock this morning, my note of the date of the 14th instant [5] came to your hands.

That note, Sir, bears the date of the day when the pen was put to the paper on which it is drafted. If retained until yesterday afternoon, when it was committed to the messenger, it was so done because a personal interview, had at chambers with the Senator-President, had created a hope, I acknowledge, however, not a very sanguine hope—that your government might, perhaps, awake to a more laudable sense of justice & come to a better appreciation of the course which, in the exercise of its sovereignty, it has chosen to pursue in regard to the general bearing of the question under view and to the particular obligation, impending on the Authorities of this Republic, to call your Congress to ratify the amended stipulations of the 16th of March 1860, and thus secure the exchange of ratifications, by the 27th of December next, the period indicated by the Senate of the United States.

The titulary of the Executive office having remitted his temporary powers to the Excellent President of the Republic and this Legation not having been informed of any change in what seems to be the pre-determined view of this government in relation to the Treaty; I considered it my duty no longer to

[1] Despatches, Nicaragua & Costa Rica, vol. 6, enclosure 29A with Dimitry to the Secretary of State, No. 29, below, this part, doc. 1572. [2] See above, this part, doc. 1564.

withhold, from your Department, what I deem will inevitably be the views of my government, laid down to your Minister in Washington.

Unless Nicaragua has formed a foregone conclusion on this subject, neither the invasion of Honduras by Genl Walker, nor the levy of arms to which she has been led to resort, nor the low state of the funds in her Treasury, nor yet the temporary translation of the Executive Powers of this government to Granada, can, I most humbly submit to you, Mr Minister, give consistency to its intended course, or reconcile my government to the request communicated in your note of the 11th instant.

Before turning its action in the way of intentions, which may be fairly presumed, your government, as I think and beg leave most respectfully to suppose, must have maturely weighed the subject. To the conviction, however, that such action was attended by all the deliberateness, which so important a question demands; you will allow me to add the equally controlling conviction that my government will not, under any circumstance, adhere to the course, to which your premonitory instructions of August 28th 1860 plainly and unavoidably point. What, therefore, must be the result between the obvious indications of the government of Nicaragua and the no less obvious decision of the President of the United States, I leave it to your enlightened judgment to foresee. It was to avoid such a result, necessarily to be deprecated, that my note of the 14th was intended. A hope, however, in the very act of preparing it, was still entertained that its representations might not be required to bring Nicaragua to do that, which just to the United States, cannot but be beneficial to herself. Under that I hope I lingered for a few days; but the silence of your government, after the friendly interviews had with its then Chief Magistrate and since the return to power of President Martinez, warned me that it was my duty, both to my government and to yours, not to permit it to rest under the delusive expectation that, in any imaginable contingency, the instructions to Mr Molina can result in any thing but a certain denial on the part of mine. Cordially thanking you, Sir, for the opportunity which your note of this day has afforded me for the renewal of the suggestions of my communication of the date of the 14th instant; And hoping that, with the full time before it, your government will yet call the Congress together so as to ratify the treaty as amended, with the tender of my great consideration, very respectfully do I subscribe myself [etc.]

WASHINGTON, *October 1, 1860.*

SIR: The intelligence having been received in Managua, which I transmitted with the documents pertaining thereto, of the approval by the Senate of the United States of the Treaty signed in that Capital by the Plenipotentiaries of both Republics on the 16 March 1859, in the midst of the alarm caused by the new filibustering invasion of Central America which took place in the territory of Honduras, Don Hermenegildo Zepeda, Minister of Foreign Relations of Nicaragua, orders me, to communicate to the Honorable Secretary of State of the United States, as I have had the honor to state to him verbally: that, notwithstanding the vehement desire which, as ever animates Nicaragua to draw closer the relations of amity which bind her to this country, by means of Treaties which may establish and define them in a clear manner, and his great disappointment on perceiving that all the efforts which on different occasions have been made to atchieve this, continue nevertheless without result; the Government foresees that perhaps it will not be possible for it to submit in sufficient time to the decision of the Legislative Chambers the addition and extension adopted by the Senate, its attention and its measures being engrossed by the fulfillment of its primordial duty of providing for the defense of the State, and of aiding in that of its brothers and allies until delivered from the common enemy.

I must observe that the said extension being only for six months from the 27th of June last, it does not reach to the ordinary sessions of the Legislative Body of Nicaragua which will commence in the early part of January 1861—and it would be necessary to call it together in extra session; and that in consequence of the interruptions suffered by the mails, the notice of the approval of the Treaty, with the addition and extension introduced by the Senate, was not received at Managua until the end of August.

Notwithstanding the Government of Nicaragua had not abandoned on the 28th of August last, date of the communication from Mr Zepeda, all hope in this respect. It indicated only a grave obstacle to his own desire, foreseeing with regret, that it perhaps would be impossible to him to overcome it; and he charges me to communicate it immediately to the Honorable Secretary of State being desirous to proceed loyally, thus giving fresh proof of his dispositions and friendly sentiments towards the United States, to the end that its Government may be persuaded that if the anticipation indicated should be realized, and the pending negotiation suffer a new delay, it must be imputed to the situation in which in despite of her the invasion and

[1] Notes from Central America, vol. 3. Received October 8.

threatenings of the adventurers place Nicaragua, and in no wise to any lack of the friendly solicitude with which she proceeds in her relations with this country.

I improve the opportunity [etc.].

1569

Luis Molina, Nicaraguan Chargé d'Affaires at Washington, to Lewis Cass, Secretary of State of the United States [1]

[TRANSLATION]

WASHINGTON, *October 2, 1860.*

SIR: The recent invasion of Central America, effected on Honduran territory by a band of North American Adventurers commanded by the notorious malefactor William Walker compels me to address myself to His Excellency General Cass, Secretary of State of the United States in obedience to orders and instructions which I have received, and in the name of Costa Rica, Nicaragua, and Honduras.

This invasion is not an isolated act, but the prelude of a new series of similar action, which, it can be foreseen, will be repeated, following the same impulses & pertinacity of direction without which one cannot conceive of such expeditions in the past nor in the future—

According to information which appears to be worthy of credit, when news arrived of the invasion having been effected, another expedition set forth from New Orleans, and since the knowledge has come of the Capture of Walker and his company, there has sailed from the same port another & third expedition well provided with the elements for war.

All confirms what has been discovered at different times, and there has already been sufficient foundation for the belief, that in the Southern States of this Republic there exists a conspiracy, which has extensive ramifications, and counts upon resources which are not to be despised, whose object is to destroy the nationality and independence of the States of Central America, to subdue them by fire and sword, and introduce slavery—

The invasion which occupies my attention is beyond doubt the first result of this conspiracy, the vanguard of the forces which it is intended to put in operation, collected and equipped, without noise & deliberately, according to plans combined beforehand, and attempted to be carried into effect under the protection of the flag of the United States, with which they cover, the ships, men, arms, munitions, provisions and every kind of supplies des-

change, which I am pleased to observe, in opinion in this country, and the wretched end which such vanguard has met with, there is a probability that these criminal acts may be repeated, whilst their authors can reckon, in the Southern States, upon the sympathies and complete impunity they enjoy.

In this belief the Governments, which I have the honor to represent, would consider themselves as failing in their duties, should they not address themselves to that of the United States, as they now do through me, setting out the facts aright, representing the ills which their repetition would bring upon them and upon these States, soliciting a radical remedy, and declaring frankly the policy they propose to follow in certain eventualities, the natural consequence of such enterprizes.

A conspiracy, it may well be conceived, of tendencies so criminal against the county in which it is planned, as against the friendly country, which, without provocation, & in the midst of peace is the direct object of its treacherous attacks, could not present itself frankly before the public, because it would arouse against it the generous instincts which it needs to incite in its behalf—It adopted, therefore, the only practicable system, that, which enterprises of the same class have always instinctively followed, that, of audaciously deceiving by means of atrocious falsehoods and calumnies against communities and individuals, by falsifying the signification of terms, and the nature of things; and presents itself, with hypocrisy unequalled, as the christianizer, civilizer and liberator of idolatrous, half savage and oppressed nations, instead of showing itself in its true character as the champion of Slavery, destructive of civilization and the laws in which it rests—the incendiary and profaner of the domestic hearth, and of the temples of a pacific People, christian, enlightened and free.

To this system belong the farce of the Presidency of Walker in Nicaragua; the suppositive resistance of the inhabitants of Ruatan to the treaty by which the Bay Islands were to return to the recognition of the Sovereignty of Honduras; their resolution to declare themselves independent; and their anxiety for aid from the filibusters; and in fine, their abuse of the name of General Cabañas, by pretending that they were going to reinstate him in the Presidency, and that they were in communication with him, or his partisans; of all which and other falsehoods even more despicable, they have made use during the recent invasion to give to it the color of plausibility.

I shall say nothing respecting the imperishable presidential reclamations of Walker; and for what relates to the inhabitants of Ruatan, I refer to the documents which I have the honor to send herewith,[1] by which it appears those inhabitants did not resist the restoration of the Islands to Honduras nor have they attempted to declare themselves independent; that they did

duras, aided her, and are ready to proceed in good faith to the execution of the Treaty; which I do not doubt, will be gratifying to the Administration of your Excellency which has so much influenced the determination to restore the Islands.

As to the Calumny against General Cabañas, I should perhaps cast that to contempt, assuming that the character and history of the man are known; but it may not be inopportune to observe that, he was the first of the deluded party to which he was allied, to unmask and denounce through the press, the antenational [*sic*] designs of Walker, when that person was in the apogee of his power in Nicaragua; and that moreover the calumny has been authoritatively refuted, and with just indignation by the Official Gazette of Salvador where the General lives, retired from public affairs.

I cite these instances of the system of falsehood and calumny on which the filibustering enterprizes are founded, to make it clear, that even in the belief of their promotors themselves they cannot be gotten up, nor thrive, except at the cost of the friendly relations between those and these States; by sowing discord; creating prejudices and unreasonable hatreds, and provoking differences, and conflicts.

I ought also to avail myself of this occasion to affirm, in honor of my country; that no Central American has stirred up or desired the invasion of Honduras, but on the contrary, all, Governments and People, from Guatemala to Costa Rica, have raised one general outcry of indignation, of resistance, and of chastisement to the common enemy, thus practically hallowing the fact, predominant in the political position of those States in respect of foreign powers, that their independence, their nationality, their territorial integrity is one, sole and indivisible.

By no one of the Governments, which I have the honor to represent, is any question made of the impotence of such enterprizes, however great their means to attain their object. On the contrary, each one entertains the most perfect assurance that in the result, victory will rest with the nations who have right on their side, and the resolution to be free, maintaining at every cost their Independence. But the indelible vestiges of blood & desolation, by fire and sword, left in Nicaragua by the so called American phalanx at the expence of the good name of this country, and of few, more or less, than Eight thousand North American Victims; and the notorious malevolence, gratuitous injustice, and irritating tone, which, even at this day, are prominent in the generality of the organs of the press of the United States, whenever they treat of the Central Americans; leave no doubt of the power of the Filibusters to inflict, if no more, the gravest injuries on these and those States.

ardent sympathies, and enthusiasm, and inspired them with unlimited confidence, and that the first filibustering expeditions by teaching them to fear, and to apprehend ills from whence before they had hoped for benefits only, produced in certain degree, the effects of a disabusing from erroneous impressions which gravely compromised those primitive sentiments—Happily their sympathies were renewed, thanks to the just and honorable policy which gave its result in the Capture of the Filibusters at San Juan del Norte, in the act of executing their second invasion; and to the good sense of the Central Americans, who know how to distinguish between the worthy population of this country, and the faction of banded adventurers, which in violating its laws dishonor its name.

The States of Central America supposed themselves to be safe, in the midst of the peace which they have maintained since the termination of the national war; they reposed after that prolonged struggle, on the faith of treaties, settled in principle, and in part carried into practice, by which the [*sic*] came under an obligation, and made concessions of the greatest weight and importance; in conformity with the Wishes of your Excellency's Government, in exchange for freedom from filibuster injury, and from responsibility for consequential damages which it was not in her power to avoid: they had succeeded in making effective in their full extent, notwithstanding the resentments which the barbarous conduct of the invaders sowed thro the country, the rights and guarantees which their Laws liberally assured to the persons and property of foreigners; they strove to repair the evils which the first invasion caused them; and Nicaragua, notwithstanding the exhaustion of her Treasury, had passed laws for indemnization, and agreeably to them had begun to allow, and was continuing to allow the damages suffered in that strife by natives and foreigners, without excepting those which, in their unheard of brutality were perpetrated by the so called American phalanx: such as the burning of Granada, when the third invasion took place in the Honduran territory, by the same class of persons as those anterior, and altho' it has been promptly driven from the country, and been partially chastised, it has delayed the execution of a treaty which contributes to the arrangement of entangled questions between two friendly powers; has interrupted the tranquillity of the peaceful labors of the Republics which I represent, and of their allies and Sisters, causing to them considerable expenses, and incalculable injury in forcing them to take up arms and abandon their pursuits.

This fact corroborates the well founded fears that such expeditions may be repeated, keeps up in Central America a state of disquiet whose prolongation would be unbearable; and gives place for the dissemination of hatreds, and

the North American Union, believes itself to be entitled not only to the strictest respect for its most sacred rights, but also to that good will which promises so many reciprocal benefits to her relations with this country.

In order to put an end to so deplorable a condition, and to prevent the differences and contests which may grow out of it, the Governments of Costa Rica, Nicaragua and Honduras, full of confidence in the justice and wisdom of the Government of the United States, remembering that already on a former occasion it deigned to call the attention of Congress to this important point, have ordered me to address to the Honorable Secretary of State the preceding exposition, and thro' his honored intervention to solicit from his Excellency the President, that in observance of the relations of friendship and good understanding, he may please to devise a radical remedy for evils so transcendantly serious; and also order me to declare in their name, that in the event, unfortunately, of the repetition of invasions by adventurers, in their own territory, or that of their allies & brothers with unavoidable injury to national and foreign interests; they will repudiate any responsibility for injuries resulting from extraneous crimes which it is not for them to foresee,[1] protesting, as from this day they do protest in the most solemn manner, that they will not listen to any reclamation for damages which the adventurers may inflict, nor for those which may inevitably originate in a state of war, or from measures, which in the judgment of these Governments may be necessary to the defence of the Country, either to the persons or property of transient or resident foreigners, but it is not to be understood that they will omit to make efforts to give them all the protection in their power which may be compatible with the national defence.

I profit by the occasion [etc.].

1570

Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [2]

[TRANSLATION]

No. 29[c] GRANADA, NICARAGUA, *October 4, 1860.*

MR MINISTER: As your esteemed notes of the 14th and of the 26th of last month [3] both refer to the same subject, I claim the liberty of answering them at once by the present.

Your intelligence and the well-deserved appreciation of the rectitude of

[1] In a footnote referring to this word are the suggested possible alternate translations, "anticipate, forestall, prevent, hinder, foresee, foreknow."

[2] Despatches, Nicaragua & Costa Rica, vol. 6, enclosure No. 29[c] with Dimitry to the Secre-

that you will both do him justice in judging of the motives, that have influenced the request for a prolongation of the time limited by the Senate for the submission to Congress of the alterations made in the Lamar-Zeledon treaty, stipulated on the 16th of March 1859, modified on the 12th of July of the same year by the Chambers of the Republic and amended on the 26th and the 27th of June 1860 by the Senate of the United States. Neither you nor the Senate are uninformed of the period of the ordinary meetings of our Congress; whilst you, more than any other, are aware of the burthens imposed upon our Republic by extraordinary calls of our Congress. I do not know that the annals of the United States afford examples of repeated cases of extraordinary meetings of the Congress, notwithstanding the immense resources, which the government has at its disposal. This mere suggestion of a comparison might justify the Government of Nicaragua in this—that at the time of requesting the extension, it entertained no sinister views, with which it might be charged, in exercising a right inherent to it, and that in using such right it was led to it by circumstances not unknown to you.

The Government does not blame the want of foresight of the Senate of the United States in pointing out a period inadequate for the submission of the amendments to the ordinary Congress; and it would have made the sacrifice of convoking the Chambers in order to give a proof of fair relations with the government of the United States; but unfortunately the threat held out by Walker—against the independence of the country, came to absorb all its attention. True it is that, at this date, news has been received of his capture, and of his duresse in the port of Truxillo; but unfortunately the government knows, as you know, that there is reason for fearing that Walker has been re-shipped for the United States, that is to say that he is left in a position for prosecuting new invasions. To this news, is added the information that Henningsen, with a crowd of filibusters, is, in Panama, preparing another expedition for the coast of the South. This is unofficial; but until the government can ascertain its accuracy or falseness, there can be no change in the unfavorable condition of the country, which compels it to live in a state of continued alarm.

A Minister, equally just and enlightened as is the government, whom he represents, cannot fail to do justice to my Government if it insist on the resolution taken on the 28th of August ultimo, soliciting the extension to which allusion has been made.

I have the honor [etc.].

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua [1]

No. 29[D] GRANADA, NICARAGUA, *October 7, 1860.*

MR MINISTER: In acknowledging the receipt of your esteemed communication of the 4th inst., in answer to my notes of the 14th and 26th of September ultimo [2], I cannot allow that acknowledgment to pass from this Legation without a token of deepest regret that its suggestions, oral or written, should have so far proved of no avail in impressing upon your government the certainty that the proposition of the 28th of August last, conveyed through their Minister in Washington, will surely have failed to meet with compliance on the part of mine.

It is hardly required, I presume, that I should give you the assurance that the sincerely great respect, which I profess for the Executive of the Republic, forbids me to suppose any motives not worthy of his character; whilst you may be certain that, in the spirit of rectitude, which you so justly ascribe to the President, he will judge of them with equal fairness so far as they "have influenced the request for a prolongation of the time, limited by the Senate for the submission to Congress of the alterations made in the Lamar-Zeledon Treaty of the 16th of March 1859." Judging of them, however, in that very spirit, he will, I entertain no doubt, have considered them intirely inadequate to justify the exercise of the right of postponing the exchange of ratifications, set for the 27th of December next, inherent as that right may be in the government of the Republic.

So far as the amendment, touching the period for exchange of ratifications, is in question, it will be gratifying to my government to know that yours "does not blame the want of foresight of the Senate of the United States." It would, however, I venture to surmise, have been still more gratified had not a liability to blame been implied. The Senate of the United States, I respectfully beg to say, Mr Minister, is not generally supposed, in any matters which may come before it, to act with any "want of foresight." They are, on the contrary, held to be a body of prudent statesmen, whose proceedings are usually marked by every degree of deliberateness. In this instance, those proceedings, I conceive, have not gone wide of long established usage; whilst the accredited reports of the press of the United States, if not the despatches of your diplomatic agent, must have informed you that the subject-matter of this note was discussed at great length and, discussed, with more than ordinary scrutiny. This fact, duly weighed, must militate successfully against any idea of improvidence, if such had been erroneously entertained.

The very amendments, indeed, which they have made to the Treaty and which invoke the seasonable meeting of your Congress, are proofs of great foresight, directed to allay possible fears of Nicaragua and to tender ampler guaranties for the integrity of her territory. Eminently of that character is the essential alteration, which points out the period of six months, between the 27th of June and the 27th of December 1860, as that within which the exchange of ratifications shall take place. They, you may be intirely satisfied, Mr Minister, were alive to the consequences, attending any farther delays—the treaty being once ratified by them—in the settlement of a question, which, under the intimated intentions of Nicaragua, presents itself in a very serious aspect. They knew that the original Cass-Yrisarri Treaty of the 16th of November 1857, in Congressional Decree Nº 42, of the 28th of March 1858, had been declared to be ratified "without modification and in acknowledgment of the loyalty of the United States." They knew that that Decree, after such declaration, had received the "*Ejecútese*"—the lawful sanction— of the Executive, carrying with itself, therefore, all the obligations, which such an instrument and such an act involved, on the part of Nicaragua. They knew that Article First of the same Decree had instructed the Executive to endeavor to procure from the government of the United States a *separate* convention, explanatory of the Treaty, which, as above stated, had been ratified, and sanctioned, "without modification." They knew that, for reasons not pervious to them, no such endeavors were exerted as prescribed, by the Legislature of the Republic, in the First Article of the law; but that, on the contrary, the original treaty, ratified and sanctioned, as I conceive it to have been, having been held back, the Congress with a strange oversight of their own instructions to the Executive "to endeavor to celebrate" separate and explanatory articles, which were not, so far as I am aware, formally attempted to be procured, proceeded, in the matter of a treaty, which they had declared and which the Executive had awarded to be ratified "without amendment", to introduce amendments, one of which, highly derogatory to the dignity of any sovereignty, was peculiarly ungenerous and unjust to that of the United States. They knew, after the Minister of the Republic, then in Washington, had been admitted to make good one of those modifications, that the President of the United States had peremptorily discarded another (that to which I have alluded as wounding their national honor) and that the Authorities of Nicaragua, at the time of concluding, with a predecessor of mine, not distinct and explanatory articles suggested by the decree of your Congress, but the remodeled treaty of the 16th of March 1859, had again introduced in an indirect, though essential, form the very clause which had been repudiated by the President as offensive

bodied in a treaty between their government and mine; your Congress, in its ratifying decree of the 22d of July 1859, whilst directing an obliteration, had actually so worded the law, and so inwoven the treaty with it, as to stereotype, so far as the records of Nicaragua were concerned, the offensiveness of the language which had been rejected and protested against. They knew from an experience, now running hard upon three years, that those facts had borne with singular fatality on the final conclusion of a Convention which, I trust that your Excellency's sagacity has, long before this, judged to be fully as advantageous to Nicaragua as it can possibly prove to the United States. In view of those facts, therefore, they decided not without prudence, in the act of ratification, that the period tendered to the Republic of Nicaragua for her action in the premises, was not only appropriate, but demanded also by the circumstances of the case.

Were these the last representations which duty required me, through you Mr Minister, to address to your government, I would, with every force of conviction and every assurance of the fact, repeat that the resolution taken on the 28th of August ultimo can, under no possible contingency, commend itself to the acquiescence of the government of the United States. In that impending fact—before its official announcement from Washington can be communicated to your authorities—I fear that so much of the period may have passed away in expecting answers to an inadmissible proposition, that the residue of the time will be utterly insufficient for what I again, as strenuously as respectfully, request may be done by the immediate convocation of your chambers to put the final seal of approbation to a treaty, which, by the form and tenor of Decree No. 42 of March 1858, had practically received the ratification and sanction of the Legislative and Executive Authorities of the Republic of Nicaragua.

The news, this day received, of the close of Mr Walker's carreer, effectually dispelling the apprehensions referred to in your Excellency's note; and the statement of Mr Henningsen's appearance in Panama, "with a crowd of filibusters", bearing on its face nothing save its gross improbability to arrest a moment's attention; I will look to an altered view of the question on the part of your government and rely on the expectation that the necessary step will be taken to secure timely ratifications and their exchange in Washington on, or before, the 27th day of December next. Indeed, appealing to whatever knowledge I may have reaped, during my residence in Nicaragua, of the burthens which press upon her resources; you are pleased, Mr Minister, to advert to the invasion of Honduras and to suggest the disposition of your government, but for that invasion, "to have made the sacrifice of convoking the Chambers in order to give a proof of fair relations with the government

ficial results for both countries; but which, if unfortunately defeated by the inaction of Nicaragua, must naturally produce most serious consequences. I beg, therefore, Mr Minister, to reiterate my reliance on the hope that, even at the sacrifice suggested, your Government will have adopted the only course which can lead to the realization of the wish, which your note expresses for the maintenance of friendly relations, still more enlarged, between the two governments.

I have the honor [etc.].

1572

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 29 GRANADA, NICARAGUA, *October 11, 1860.*

SIR: The courrier [*sic*], with my No 28 of the 26th of September ultimo,[2] had not well been dispatched from this Legation when I received, just previous to my departure for this city, a note, from Mr Zepeda, dated the same day, a translation of which I have the honor herewith to inclose to you.[3]

You will probably recollect my reporting that, in view of private conferences, had with the Senator-President, and of reasons entirely satisfactory to my mind, I had refrained from immediately transmitting my answer of the 14th of September [4] to Mr Zepeda's notification [5] that Mr Molina had, on the 28th of August ult., been instructed to apply for an extension of the period fixed for the ratification of the Treaty. The affectation of pointing out both dates and hours, which you will have noticed in the communication to which this refers, roused suspicions, which, I regret to say, are ever and abundantly warranted by the character of those with whom the necessities of my mission bring me in official contact. Without a single moment's loss, therefore, did I address myself to the duty of answering the note; a duty which was performed, I must confess, with a touch of malicious pleasure at the opportunity afforded to me. Besides this, it seemed that there might be some lurking intention, or some evasive juggle, in regard to the period of ratifying the Treaty, which I would not allow to pass unnoticed. Hence you will, I am assured, have remarked that the answer of the 26th of September last [6] is worded in such a way as to give no excuse for doubt, in Mr Zepeda's mind, or leave any room for stratagem in after time. It is so shaped as to convey my assurance that the President will not accede to the request

these representations will have produced any effect, I have but a very unreliable hope, indeed. They are more particularly meant to convict Nicaragua, in the event of her final refusal, that she had pre-judged the question as early as the 28th of August 1860 and that she had been seasonably warned of the consequences. I had, it is true, heard a few days ago, from no authoritative source, yet from one of some influence in the Republic, that it was resolved that convocation of the Chambers should take place. How far, and how safely, authorized he was in this statement, I leave you to judge from the sequel of this despatch.

In this city where I have, on personal invitation of the President, accompanied the government, I received on the 5th instant a note of the Minister of Foreign Relations,[1] in reply to my communications, addressed to him on the 14th and the 26th of September ultimo. It purports, you will observe, to answer the considerations both of the latter communication and of that of the 14th of the same month. With what degree of point or force, I refer it to you, Mr Secretary, to determine. One thing, however is most apparent and that is that President Martinez, on whom I had, from our very friendly relations, a better reliance, seems unmistakably inclined to pursue the unfortunate course laid down by Senator-President Chamorro and to decline the call of an extraordinary Congress by insisting on the request which Mr Molina is instructed to press on our government. This, Sir, it cannot escape your sagacity, may be the seal of doom on a measure, which, I am bold to assert it, challenges a parallel in the history of negotiations between a civilized government and one, which has been inveigled into the hallucination that it has a claim to the character. The treaty of Utrecth which, to this day, affects the destinies of enlightened Europe, was child's play compared with the intricacies, the difficulties, the subterfuges and the disappointments of this Convention with a politically organized horde of ignorantly subtle savages, who, with impunity, indulge the privilege of calling us "the barbarians of the north."

Claiming, sincerely claiming, your indulgence, Mr Secretary, for this manifestation of feeling, scarcely harmonizing with the tenor and spirit of an official communication, I beg leave to fall back on the more appropriate demands of this despatch. You will, therefore, allow me to invite your attention to the reply of the 7th of October,[2] copy of which goes with this, and which I deemed it proper to make to the note of Mr Minister Zepeda, of the 4th instant.[3] Will you allow me, Mr Secretary, to express the hope, if not to assert a conviction, that the President will have considered that Mr Zepeda's communication has afforded to this Legation an opportunity, not

satisfied that no fair, or tenable, argument which he may have it in his power to bring, upon the question, can remove it from the ground on which it has been placed. Meanwhile I have the honor [etc.].

1573

Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua, to Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica [1]

[TRANSLATION]

No. 30^ MANAGUA, NICARAGUA, *October 26, 1860.*

SIR: On the 22d instant, I received your esteemed note of the 7th instant,[2] in answer to mine of the 4th of same month.[3] I specially note those dates, not to blame you for the delay in the answer, but in view of the relation of time with the final object of your aforesaid despatch, which looks to the call of the chambers in order to submit to their decision the additions, proposed by the Senate of the United States, to the Lamar-Zeledon treaty, concluded on the 16th of March 1859.

At the time of pointing out that, perchance, through improvidence of the Senate, the stringent period of six months had been allotted for the ratifications of the Treaty and their exchange, there was no intention on my part to bring forward any dishonoring charge against that high body; but it was intended merely to state the undeniable fact that it could not be ratified unless our chambers had been called in extraordinary session, and that such a circumstance is purely eventual and dependent on accidental occurrences.

In the history, which you have drafted, in relation to the Treaty is noted the error, which you have committed, as to its having received the Executive *exequatur;* and I take care to correct it because it might be adduced as a charge against Nicaragua that, as it might be a law binding on both contracting parties, it might be held to be a pending matter up to this day. In reality, no other project of Treaty has received the *exequatur* of the Executive, but the Zeledon-Lamar treaty; amended by the Senate of the United States.

Speaking with you confidentially, you, on various occasions, stated to me that you were informed of the intention of the President to convoke the Chambers, so soon as the government should return to this city—information, which you had derived from persons who were in commerce with you. On submitting to him, however, the note which I am now answering, and informing him of our private conferences, he called my attention to the error

had he ever deemed it possible, even should the Chambers have been convoked, that there could have been an opportunity for the ratifications of the Treaty and their exchange, within the period fixed by the Senate of the United States. The distances, at which the Senators and Deputies of some of the Departments are found and the nature of our means of communication make it impossible that they should come together within the peremptory period.

Besides, in the ensuing months some of the members of the Congress will have to be elected anew; a circumstance not without inconvenience in view of the fact that those, who are to be supplied, would, according to our laws, have to vacate their seats for the members elect, causing delays which would absorb the time pointed out by the Senate of the United States.

A treaty, between two nations, being a safe means of binding their mutual, friendly relations and of determining and securing their reciprocal rights; it is to be hoped that the Senate of the United States, duly appreciating the reasons exposed by the Government of Nicaragua, will accede to the prolongation which has been solicited, since it can but lead to one common result, which the one and the other party desire in good faith, a desire which has been made manifest on the part of Nicaragua since the government of the United States has maintained representatives near this cabinet, as you may have had an opportunity of ascertaining from the archives of the Legation under your charge.

For all these reasons, his Excellency the President experiences a regret that he cannot accede to your desires. I have the honor [etc.].

1574

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Hermenegildo Zepeda, Minister of Foreign Affairs of Nicaragua [1]

No. 30[B] MANAGUA, NICARAGUA, *October 26, 1860.*

SIR: Your note of this day,[2] in answer to mine dated Granada the 7th instant,[3] has just been handed to me by your messenger. The first point, in its contents, which demands my attention is—that that communication, in reply to yours of the 4th of October '60,[4] received on the 22d instant, requires you "Specially to note those dates, not to blame (me) for the delay in the answer; but in view of the relation of time with the final object of (my) aforesaid despatch, which looks to the call of the Chambers."

Allow me, Mr Minister, frankly to say that, rejoicing to share, with the

Relations of the Republic, I would be additionally happy to acknowledge, in your note, a faithful register of special dates; were it not that this gratification, somewhat modified, no doubt by an unintentional suppression of facts, cannot embrace the entire correctness of your statement. If not more accurate, more fortunate at least, in the recollection of those facts, I hope that you will allow me to recall to your mind that, in the same room which it was my privilege to occupy with you in Granada—on the self-same table, which was used in common in the discharge of our official duties, no less than four times—my memory serves me faithfully, Mr Minister,—no less than four times, I pointed out to you *that already written note of mine of the 7th*, in answer to yours of the 4th instant. Does that memory deceive me, or have you been betrayed by yours, Mr Minister? Should the latter be so; and should it still fail you; will you allow me, most respectfully, to ask you, in order to settle things as they are, to accept the services of mine in suggesting to you that, on every occasion when your attention was called to the note, lying under your eyes, the act was accompanied by an urgent request and a relying hope that you would induce your government, *receding from its foregone determination of the 28th of August, renewed on the 11th of September 1860*,[1] to adopt speedy measures for the convocation of your Chambers, when there was still time ample for the "final object of my despatch"? This, Mr Minister, is the particular in which, through a zeal for a special noting down of dates, you, I most humbly submit, seem to have entirely overlooked the essence of the facts and seriously done injustice to the history of the case.

It appears to me, therefore, that the value and force of written representations on this question, previously and seasonably lodged in the archives of your Department, seem to have been singularly overlooked in your reply, when it seeks to trace to the lateness of the reception of my answer, on the 22d of October, a result which your government had predetermined to bring about, through your instructions of the 28th of August ultimo [2]—I mean either the inability or the unwillingness of Nicaragua to call her Congress to ratify the treaty and secure the exchange of ratifications by the 27th of December next. That reply of yours, therefore, taken out of its connection with your own instructions and with other timely warnings of this Legation, would go to indicate that the question was brought to your notice on the 22d day of October only, giving you the obvious opportunity of informing me that, in view of the reduced period of time, it were futile, even were your

But I am kindly advised by you, Mr Minister, that in my summary account of the antecedents of the Treaty, I have committed *one* error, which you deem it your duty to correct, "because it might be adduced *as a charge against Nicaragua.*" I pray, Mr Minister, that you will believe that I have no disposition, as I would certainly feel regret, to add to the already grievous list of complaints, which the government of the United States deem themselves justifiable in preferring against more than one of the international acts of yours, in connection with their honor and their dignity. This Legation, Sir, can well afford opportunities for a collation of dates; but I beg leave, at the same time, to assure you that it takes peculiar care to avoid any perversion, or misapplication, of facts. "In the history," your note is pleased to say, "which you have drafted, in relation to the Treaty, is noted the error, which you have committed, as to its having received the Executive "*Exequatur.*" Does my note of the 7th of October, Mr Minister, place me in so false a position as that which such an assertion would assign to me? I must acknowledge, Sir, that I was alarmed at reading those words of your note; the more so as I am aware that my government has hitherto had a standing ground of complaint against that of Nicaragua from the very fact that from a treaty ratified with all the formalities of law by your Congress, on the 25th of March 1858, the "*Exequatur*" of the executive has been withheld for reasons, up to this day, unexplained and, it may be, inexplicable. You, however, Mr Minister, are pleased to suggest an error, the commission of which you are equally pleased to attribute to me. Immediately referring to my note of the 7th, with the intention of confessing the error if fastened upon me, I find that I have not asserted that the Treaty had received the "*Exequatur*" of Your Executive; and if the language of that note could, by any possibility, justify your allegation of an imaginary error, I might, in turn, claim it as a merit; for I can conscientiously say that I have fallen into it under the best of Authority—the Authority of both the Legislative and the Executive of Nicaragua herself. You, Sir, impute to me the error of stating that the Treaty of the 16th of Novr 1857 had received the "*Exequatur*" of the Executive of this Republic. With the declaration that I never made any such statement, you will allow me, Mr Minister, to appeal on error of your own judgment. What I stated and what you, Sir, mistook and, mistaking, ascribed to me as an error, is that your Congress, by Decree Nº 42 of the 28th of March positively declared the ratification, "without modification and in acknowledgment of the loyalty of the United States",

national character, and the efficacy of which I never invoked, in *terms*, for the treaty of the 16th of Novr 1857, however gratuitously it may be ascribed to me by your note of the 26th instant. From this, through an error of words, is an error of fact imputed to me. Am I fairly liable to it, Mr Minister? If it can, in your estimation, prove so in any degree, then must I, Sir, respectfully refer you to your own decrees for my full exemption from a charge of error, which I am willing to overlook on the ground that it was inconsiderately made. Should you, however, Mr Minister, after this exposition, still continue to consider this an error of mine; I would beg you to believe that it is one which, with the solemn declaration of your Congress and with the official mandate of your Executive, in the "*Ejecútese*" confirmed by his own signature, I must, under your permission, decline to abjure and persist in holding as a most logical aberration of judgment, based upon the clearest declarations of law, and the firmest sanctions of authority, that I can recollect to have met in the course of my observation.

Throwing myself, Mr Minister, upon your indulgence, I beg leave to close this already too long note, which would not have been carried over the extent which it covers, had I not, as I honestly believe, perceived the tendency of your note of the 26th of October to remove this treaty question from the ground, on which your instructions of the 28th of August last, to Mr Molina, have unmistakably placed it, and to convey the idea that the period, at which my note of the 7th instant reached your Department, is the cause for which your government has failed to call your Congress for the purpose of ratifying the Treaty as amended by the Senate of the United States. I rather find, in that note, reasons for confirming my fears, based upon the instructions, to Mr Molina, of the 28th of August and of the 11th of September ultimo, that your government had unfortunately decided that no action, on its part, should go to settle a question, which, I repeat, Mr Minister, presents itself under any but an encouraging aspect. So thoroughly was I impressed by those fears, Sir, that I will avow that your note caused me no surprise, and that I almost felt gratified in having afforded to your government an opportunity of doing that, which I believed was most likely to be within the range of its desires. With a simple summary of the *dates* and the *facts* of this question, namely:—that on the 28th of August last, before the American Minister had submitted to your government the amendments of the Senate of the United States, it had decided, not to call its Congress to ratify, but had instructed its diplomatic agent to apply for an extension of time;—that

tion; with this summary of both dates and facts, I repeat it Mr Minister, you will alow me to reject the intimations of your note of the 26th instant that mine of the 7th was received *too late* to serve the attainment of the "final object of my despatch." That final object, Mr Minister, was fully known to your government, three weeks at least, before it was officially brought to its consideration by any action of this Legation; and, three weeks before such action, your government had reached a conclusion, which your note of the 26th of October, to which this is in answer, would *seem* to refer to the late period at which my note of the 7th of October, absorbing its precursors of the 14th and of the 26th of September, reached your Department. This, Mr Minister, might be termed an ingenious resort, were it not that the great frankness, which has characterized our ministerial intercourse, utterly repels any supposition of the kind. You will, therefore, allow me to conclude with the assertion of the fact that no circumstance, connected with the note of this Legation of the 7th of October instant, but the determination of your own government, formed as early as the 28th of August ultimo, has prevented the reunion of your Chambers to adopt the amendments of the Senate of the United States to the treaty of the 16th of March 1859 and to ratify its stipulations within the period assigned by them.

I have, Mr Minister, the honor [etc.].

1575

Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 30 MANAGUA, NICARAGUA, *October 26, 1860.*

SIR: It is with inexpressible regret that I turn to the duty of despatching this note to the Department, accompanied by the information that the President of the Republic of Nicaragua has formally declined, at a time even when his acquiescence would scarcely have served the wishes of the President of the United States, to issue his proclamation for a call of Congress to ratify the treaty as amended by the Senate of the United States. Mr Zepeda's communication of the 26th instant,[1] transmitted herewith in the form of a translation will lay before you the miserable platitudes to which this government has resorted for the substratum of its denial.

Although satisfied that no possible representation of mine could, in the

appliance of means more efficient than any exertion of the pen or any contrivance of argument. I solemnly declare to you, Mr Secretary, that perfectly convinced that this government would ultimately refuse to call its Congress, I felt by instinct that it would come, and at the time when it did, to the conclusion which Mr Zepeda has been instructed to convey to this Legation. I cannot choose but think that there is something of the ostrich-stupidity in this action of the government. It has, on the 26th of October, concealed its head under the pretext that the shortness of the time, the necessity of electing new members and other equally as valid reasons now prevent its calling the Congress together to ratify the Treaty; whilst it conveniently forgets that on the 4th of October,[1] the invasion of Walker and, Walker being out of the way, the imaginary presence of Henningsen, in Panama, were the constraining reasons against the call required by the government of the United States; and whilst especially it studies, on the 26th of October, to ignore that, with all fulness and abundance of time, it had, on the 28th of August,[2] just four months before the possible expiration of the available period of ratification, already and predeterminately, instructed its diplomatic agent in Washington to bar out that period by a request that it should be postponed!

The Punic faith of this government, Mr Secretary, in the fulness of its practice, and the Fabian policy of delays, without the integrity which once made it honorable, are the only rules acknowledged and applied in the management of affairs in this Republic. On three questions, since I have been honored with my mission, have just demands of the United States, through this Legation, been made on this government; and three times, without even the seeming of the most shadowy reason against their justice, have they proved of no effect or avail. A decision; on the transit-question, was sought at their hands and that, after four months of the weariest, and actually most disgusting, discussions, is still in pendency, with little hope of a solution, if I am correctly informed as to a new French contract made with Mr Marcoleta. A settlement of the claims of citizens of the United States is zealously sought and earnestly prosecuted and a President who, when it suits him, suppresses ratified Treaties, avails himself of a remote, discretionary provision of the Constitution to call for the "dictamen" or opinion, of the Senate stands on record to show that Nicaragua shall first decide "for herself" what claims are just—that she shall, in like manner, decide what are unjust and then, should *any doubtful remain*, she will

desire to do so; and, behold! it appears that, even before the last application could be made on the questions, she, in the inexhaustible treasury of her subterfuges had discovered reasons, one more flimsy than the other, to suit her to-day purposes and stave off the directions of the President of the United States. I leave it to you, Sir, by your experience of the past, to determine what future expectations can be rationally built on the action of a government, controlled by such principles and characterized by such acts. For my part, Mr Secretary, much as I may cling to the law of civic duty which demands the exertions of every citizen for the service of his country, I begin to feel from my contact and commerce with the rulers of this country that I cannot much longer consent "to file my mind for Banquo's issue." Disregarding every personal suggestion—disregarding family and self,—I have, consenting to the dreariness of this mission, faithfully and assiduously labored for the good of our country and, I believe justly and fairly for the good of this. I find, however, that after something hard upon one year of toil, I have not been able to enforce one claim of justice, or awake one sentiment of equity, in those with whom the commission of the President has made it my duty to deal.

With deepest regret that my presentiments as to the fate of the Treaty should have been unfortunately realized, I beg leave, Mr Secretary, to subscribe myself [etc.].

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Alexander Dimitry, United States Minister Resident to Nicaragua and Costa Rica, to Lewis Cass, Secretary of State of the United States [1]

No. 31 LEÓN, NICARAGUA, *November 12, 1860.*

SIR: The late hour, at which the final decision of the President, declining to call the Congress of Nicaragua, was received at this Legation on the 26th of October, and the necessity of returning an immediate answer to it, so delayed my despatch Nº 30 of the 27th ultimo,[2] that I was compelled, for safety, to send it by my courrier through, from Managua to Punticacos, instead of forwarding it to Major J. P. Heiss, at Leon, the place of his residence, thence to be conveyed by him to the Department. Much of annoying experience in these countries had taught me that the difficulty of procuring mules and guides would have so inevitably delayed him that he could not, by any possibility, have reached in time to take the steamer of the 30th ultimo. I, therefore, determined to allow the communication to proceed

retary of State, I now have the honor, through Major J. P. Heiss, bearer of this Legation, again to apprize the government of the declining of that of Nicaragua, accompanied by one consideration, which may yet favorably affect our treaty with the Republic. In touching this question I am admonished of the duty of caution in my suggestions, so that the Department may not be led astray in forming its own conclusions. It is not deemed necessary that I should, here and again, advert to the extreme anxiety to which my mind had been reduced, since December 1859, by the perusal of the Lamar-Zeledon treaty of the 16th of March 1859, as ratified by the Decree of the 22d of July of that year. Enough that the ratification of the Senate of the United States has brought it up in a form, affording pretexts for non-action, on the part of Nicaragua, which two months of assiduous labors have proved inadequate to remove. The policy of one, temporary, President of the Republic, foreshadowed in its instructions to Mr Molina, before its government could be officially informed, through this Legation, of the resolutions of the Senate of the United States, has been confirmed by the decision of the Chief Magistrate on his return to the exercise of the Executive Powers of the State. He has formally declined to convene the Congress in order to ratify. The period for such ratification, fixed by the Senate, is rapidly coming to a point. In my judgment, the government of Nicaragua having declined to ratify within its limitation, the treaty itself might lapse; thus forcing the President of the United States into new negotiations were it not that we have it yet in our power to avoid that necessity and to baffle, it may be, unfriendly inclinations of the government of Nicaragua. Conscious that the Senate, in fixing the term of ratification, had perhaps overlooked an essential period of time—that between the 27th of December 1860 and the 1st of January 1861, when the ordinary sessions of the congress of Nicaragua take place—I have been somewhat trammeled in my exertions to procure the call of an extraordinary congress. The various pretexts, spread out by this Government against such a call, have been heretofore fully displayed to the Department. I have, however, during the whole of the time entertained a hope that the *lache* might be remedied; and, for that remedy, I have confidently looked to the additional action of the Senate of the United States, without ever having hinted the possibility of such an appliance to this government. Between the assemblage of that body and the 27th of December next, time, fully sufficient, will have been afforded to them for rescinding the resolution of the 27th of June 1860 and extending the period of ratification and of exchange

tions, by the Steamer of the 15th of January, but certainly by that of the 1st of February, 1861.

This is the only means left to the government of the United States to baulk what I am afraid to think and am loath to suggest may be the policy of the government of Nicaragua—the intention, if it can safely be carried out, of avoiding to close treaty stipulations with the United States. Rather disposed to repel apprehensions than to yield to them, I must say that, in relation to this Treaty, the whole of its history has given to my apprehensions a character of disagreeable assurance. Familiar with the difficulties which surrounded its origin and conclusion in the Department of State;—cognizant of all its subsequent vicissitudes through now three years of uncertainties, some of them of as extraordinary a nature as any negotiation ever had to encounter;—aware of the anomalous attitude in which it is now placed and impressed—erroneously I trust it may prove—with the questionable intentions which have placed it in that position; I cannot withhold the expression of some doubt as to its ultimate destiny before the Congress or the Executive. Allow me, Sir, in the most summary manner, to invite your attention to the past of this question and to suggest that judging by its past, a degree of fear may be entertained for its future, unless a radical change have taken place in the intents or the wishes of this government. A brief reference to it may, to a certain extent, give color to the misgivings, which I am still striving to discard. Such a reference, if productive of no other benefit, will serve, at least, to localize the antecedents of the question.

There is no doubt that the Congress of this Republic, in its session of the 25th of March 1858, absolutely ratified the Cass-Yrisarri treaty of the 16th of November 1857. That fact was generally announced through the community of Managua; so have I since been satisfactorily informed by more persons than one, present in the lobby on the day and at the hour when the act was performed. The next day came and some whispers went abroad that the Constitutent Assembly would recede from its ratification vote. Surprise soon made way for astonishment when, in the evening session of the 26th of March, the Congress, upon a new vote issued a new Decree, Nº 42 herewith in the form of a translation,[1] which declared in the various proposi-

[1] The texts of this decree and of another of the same date, which accompanied it, follow:

[TRANSLATION]

MANAGUA, March 28, 1858

tions: 1st That the Treaty of Novr 16th 1857 "was, at the sitting of March 1858, ratified without any amendment, the Congress refraining to do so in acknowledgment of the loyalty of the United States;—2dly That the Executive, however, should endeavor to obtain from the Government of the United States a Treaty, *additional* to that of the 16th of November 1857, which was ratified, as above stated, on the 25th of March 1858;—3dly That the observations—these do not appear—submitted to the Assembly by the Government shall be the ground of the instructions which it shall give to the Minister Plenipotentiary in Washington and 4thly That, if no inconvenience be involved the Minister Plenipotentiary be directed to retain the ratified treaty in his hands until the Treaty additional may have been concluded.

DECREES:

Art: 1st The Government will endeavor to conclude with that of the United States of Amr a Treaty, additional to that of the 16th of November of the last year 1857, which was ratified in the sitting of the 25th instant, in which additional Treaty may be explained with greater clearness and precision the letter and the spirit of the former Treaty, making patent to the government of the United States that the Assembly of Nicaragua have held it unnecessary to modify it, in their ratification, in acknowledgment of their loyalty.

Art: 2d The observations, submitted to this Assembly by the Government, shall be the basis of the instructions, which it is to give to the Minister Plenipotentiary in Washington.

Art: 3d Should there be no impropriety in the Minister Plenipotentiary's retaining in his power the Treaty of the 16th of November of the last year 1857, meanwhile the additional one may be concluded, he shall have power to do so in order that their ratifications and the exchange thereof may simultaneously take place in the United States. —To the Executive Power.—Given in the Hall of Sessions. Managua, March 26th 1858—Agustin Avilez, Deputy President.—Antonio Falla, Deputy Secretary.—Pio Castellano, Deputy Secretary:

Therefore:

Let this Decree be executed. Managua, March 28th 1858—Tomás Martínez.—To Mr Rosalio Cortez, Secretary of the Office of the Interior.—R. Cortez.

A true Translation:

ALEXR DIMITRY.

[TRANSLATION]

MANAGUA, *March 26, 1858.*

Decree No 43 of the 28th of March, authorizing the Government, in case of the conclusion of a Treaty with the United States, in conformity with the provisions of the Decree of the same date, to ratify it definitively:

The General President of the Republic of Nicaragua to its inhabitants:—

WHEREAS the Constituent Assembly of the Republic has decreed the following:

The Constituent Assembly, in the exercise of its Legislative Powers,

DECREES:

Single Article: The Government is authorized, in the event of the conclusion of a Treaty, additional to that of the 16th of November 1857, between the United States and Nicaragua, which was ratified in the sitting of the 25th instant, definitively to conclude such and to ratify it, either by himself, or by authority to that effect given to the Minister Plenipotentiary, in Washington.—To the Executive Power.—Given in the Hall of Sessions, at Managua, on the 26th of March 1858.—Agustin Avilez, Deputy President.—Antonio Falla, Deputy Secretary.—Pio Castellón, Deputy Secretary:

no doubt of hasty instructions subsequently given, if not of Executive coercion strenuously applied; it will be perceived that the Assembly of Nicaragua, whatever may have been their desire otherwise, could not suppress a notorious fact and avoid declaring an act, the report of which was even then spreading over the extent of the Republic, namely that on the 25th of March '58 they had given their unconditional assent to the Cass-Yrisarri Convention, a declaration which is part of their Decree of the 26th of March and which Decree received the sanction of the President.

Now the Cass-Yrisarri Treaty, thus ratified, is almost identical with the Lamar-Zeledon Treaty, with the exception of the additional clause inserted by the Senate, which clause is entirely calculated to meet one of the objections which Nicaragua had to the original XVth article. But the treaty, with that exception, is the same now as the original convention, ratified by the Congress and rejected by the Executive. Will he recommend it to the Congress for ratification? This question, no endeavor of mine has enabled me to answer in the affirmative. Unless, I repeat, a change have come over the past indications of the government, I might be tempted to answer it in the negative. If the treaty, as it now stands, be all but the Treaty of the 16th of November 1857, ratified without amendment by the Congress, yet ignored by the Executive, I do not see how the latter, without an alteration of its policy, can give it his approval. It may be urged, I am aware, that the amendment of the Senate, restricting the concession, made to the United States, of a privilege to land their forces, in order to secure life and property on the transit, ought to be no slight inducement to Nicaragua to ratify the Convention. Yet this very suspension of a granted right is invoked as a reason against the ratification of the articles. This I have not derived from any official source to which I might have access in the discharge of my appropriate duties; but I have heard it from the lips of men of high standing in the Republic, two of whom, at least, will be called upon, in their Legislative capacity, to pass upon the merit of the amendment. The objection, already made against it, I would defy any one, out of Nicaragua, to imagine. It is simply that, however the United States may seem to suspend the exercise of a right granted to them, they reserve to themselves the expediency of legislating in the premises. Hence, they say, should the Treaty be ratified with the amendment; when the Congress of the United States come to pass a law on the subject, they would be "legislating for Nicaragua"—a flagrant invasion of her sovereignty and an intolerable disparagement of her dignity! This is the most substantial objection, which I have yet heard against the ratification; yet flimsy as it is, no one can foresee what consistency it may assume when once rooted in the narrow minds of the men, who are called to decide questions of far reaching importance.

by a timely prolongation of the period, [illegible]
Nicaragua from the last of her subterfuges and to compel her either to ratify the treaty or to proclaim the bad faith of some, at least, of her functionaries. Of the crooked dealings of these men, I have very lately been informed in conversation with one, who himself was a participant in the trickeries, which attended the suppression of the treaty of the 16th of Novr 1857. In a friendly discussion with Mr Cortez, late Minister of Foreign Relations, and holding the same position at the time of the ratification, I told him jocosely that my government had been for more than two years endeavoring to find out the reasons for which the Executive had suppressed a Treaty, which the Congress had solemnly ratified; but that their most strenuous endeavors had proved of no avail. He answered me, with something of a tone of triumph that he thought that the withholding of the treaty had been sufficiently explained and referred me, with something like defiance, to his note to Mr Lamar, in which he gave as reason for the suppression: "that the Congress, at the time of ratifying the Treaty, required the government to make an explanatory one with the United States"—this by the bye is not the fact—"leading to the conclusion that they had either consented to what was inexpedient for Nicaragua or ratified what they did not understand". I very quietly answered him that he could hardly expect me to accept this as a satisfactory explanation, without egregious wrong to President Martinez. He, I added, had sent up the Treaty to Congress for their approval; and Mr Cortez' explanation inevitably threw him on one of the two alternatives, putting him, in one of the instances, in the attitude of having transmitted for ratification that which was either not suitable to Nicaragua, or in the second, which was not understood by the Executive himself. Yes, said he, thrown off his guard for a moment;—yes, but he accompanied the treaty *by a recommendation not to ratify*. And yet they did ratify in spite of this hostile recommendation. True that no special decree was issued; but in that of the 26th of March they proclaimed that ratification; on the 28th of the same month the President gave his exequatur to the Decree, which contains the declaration, virtually ratifying the treaty itself; and yet he suppressed it. He not only suppressed it; but, as the mandate was exclusively directed to himself, he, in every particular, violated the Decree and disregarded his own precept. Not a single direction of that Decree, I am assured, was ever attempted to be carried out; whilst I am equally assured that had it been honestly returned to the United States at that time, the Treaty would now hold its place among the laws of the land. I have merely adverted to this private conversation to justify my conviction of the readiness of these men to resort to tortuous courses, whenever they think that they may lead to the attainment of their ends.

factory, note I would beg to urge the necessity, the absolute necessity, of the speediest action of the Senate, if this Treaty is to be rescued from the danger with which it is threatened.[1]

I have the honor [etc.].

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Luis Molina, Nicaraguan Chargé d'Affaires at Washington, to Jeremiah S. Black, Secretary of State of the United States [2]

[TRANSLATION]

WASHINGTON, *December 26, 1860.*

SIR: The extended reply which the Hon: General Lewis Cass, the worthy predecessor of Your Excellency as Secretary of State of the United States, was pleased to give, under date of the 26th of November [3] to my note of the 2d of October last,[4] attributes to me, without doubt because of the difficulty that exists in rendering faithfully the thought that is not one's own, from one into another language, pretentions, views, and feelings which have been, and are, very far from my mind, and proceeding upon this inexact supposition he arrives at a conclusion completely unlooked for in relation to the evident object of my cited note, to the declaration, which I made in compliance with express instructions, equally conforming with received usages as with the principles of the Law of Nations according to which the Government of the United States carefully endeavors to regulate its conduct in the unfortunate eventuality, the prevention of which, is in discussion. It is not permitted to me, therefore, to pass this without rejoinder, as well that, no room may remain for doubt in regard to my position, as to demonstrate the conformity to the aforesaid principles of that declaration, offspring of the desire to cultivate the friendly relations which happily exist, with this and with other countries, by avoiding unpleasant questions which are to be foreseen in the future.

In my note referred to I had the honor to address myself to the Hon: Secretary of State in the name collectively of Costa Rica, Nicaragua, and Honduras, which successively have deigned to confide in me to represent them near the Government of the United States, not because I could have conceived the absurd pretention to pass off those three republics as one sole and new political entity, but because such form, not being unusual, even when there may be as many Ministers as there are States which they represent upon a subject of common interest; and not having been objected to by

[1] There are in the manuscript volume several despatches from Dimitry bearing dates between the date of this, and the end of the year 1860, some from Nicaragua and some from

H. E. in the note of the 14 September 1857 subscribed by Mr Irisarri as Minister of Guatemala and Nicaragua and by me as Chargé d'Affaires of Costa Rica; that form appeared preferable to me, among other reasons, because, the other tends only, in my understanding, needlessly to triplicate material labor on one side and the other. But it is sufficient that the collective form may have been deemed inconvenient, or that the other is preferred, that I hasten to conform myself to the views of His Excellency's Government as I have the honor now to prove in the character of Envoy Extraordinary and Minister Plenipotentiary of Costa Rica—[1]

Upon this understanding, I ask His Excellency to be pleased to consider as reproduced, my cited note of the 2d of October, to the tenor of which I must refer myself, assured that throughout will not be found any expression upon which to base the suspicion that I had in my mind the thought of arrogating to myself the right to speak for Central America.

I wrote expressly in the name of Costa Rica, Nicaragua, and Honduras, of governments which I have the honor to represent near the United States, and to avoid repetitions I used the one or the other expression, believing that either of them is in itself sufficiently clear and completes itself necessarily by the other.

It is true that I presented the unity of sentiment and interests of the five States extending from Guatemala to Costa Rica, in the same way in which I might have made a point of the alarm which filibusterism produces in all the hispano-american countries, and the reprobation it deserves from all the civilized world without being therefore subject to the charge of attempting to usurp her voice or her representation. It is also true that, of Central America it may be said, almost with as much reason, as a little while since at any rate was said of Italy, that it is a geographical expression, because unfortunately it does not constitute a political entity, since it separated into the five independent Republics of Costa Rica, Nicaragua, Honduras, Salvador and Guatemala, and has not been able to reorganize, notwithstanding, this is so imperiously demanded by its well understood permanent interests unavoidably associated together; and notwithstanding the high appreciation with which they received the wise and disinterested counsels to which Your Excellency refers, each time when, in discharge of my very, agreeable duty, I have had the honor to forward them to their destination.

But let it be allowed to me to observe that whether in receiving or transmitting the inestimable counsels referred to, I have done so under the understanding that they were addressed to the promotion of the reunion of the five Republics mentioned in order that they might constitute that of Central

[1] A note of the same date apparently identical, excepting the name of the country, and the

were always united, except during the last twenty years; and which notwithstanding their separation call and consider themselves as sisters, united by indissoluble ties, and treat as such in their reciprocal relations of policy and of trade. In this sense any one of them regards the invasion of the territory of any other of them as an invasion of its own, all making common cause for its defence, an obligation which they consecrated with their blood until they had driven out the invaders of Nicaragua.

The Diplomatic correspondence carried on by reason of that invasion from the close of 1855 by the Minister of the Central American States represented at this place, and Mr Marcy as Secretary of State of the United States leaves no doubt upon this particular; establishing on the one part and recognizing on the other, in an explicit and clear manner, the rights, correlative with said obligation, resulting from the afore mentioned indissoluble community of interests and respective position of those States.

Permit me Your Excellency to refer to the literal tenor of my reproduced despatch of the 2 October, requesting you will cause it to be very carefully examined, because unless there is much inexactness in the translation it is impossible for me to conceive that it could have been understood in a manner that should give any foundation to the blame for pursuing, with more feeling than delicacy, the leader of the filibusters after he had suffered the just punishment which he had so often provoked—No Sir—I do not deserve this charge, nor do my resentments reach beyond the grave: only one qualifying expression applicable to the person of the deceased William Walker will be found in that note, to wit, *notorio malhechor* (notorious wrongdoer) which I cannot persuade myself to consider unjust and resentful. All, all other expressions, severe but not unjust, in that note, apply without exception to actions, to filibusterism, or to its schemes, so that there could not have been any excess, nor, certainly, have I been more severe than His Excellency, nor, than his Government.

It has not been nor is it my intention to discuss the question of the responsability which may attach to a State for injuries that persons issuing from its territory may cause in that of another friendly state, and I accept with gladness the frank declaration which the Honorable Secretary of State has been pleased to make in the following words "It is the right of such Power" (unlawfully invaded) "to deal with them (the invading adventurers) as its laws provide, and whatever punishment they may undergo, no other State is justified in interfering or complaining."

This cannot but merit due estimation from my Government, and augment its high confidence in the integrity of the Government of the North American Union.

Excellency that you will have the goodness to place yourself in my stand point before confirming the unfavorable opinion you appear to have formed, giving your earnest attention to the following reasons.

When it is considered that the invasions of Nicaragua, as well as the more recent one of Honduras, were in reality invasions of Central America, having for purpose the subjugation of that important and extensive region, and the peoples that inhabit it; that the first and the last, were prepared in the United States, composed of the same class of individuals, under command of (the same leader; that he never desisted from his undertaking; nor his absurd pretensions on Nicaragua, that the most notorious filibusters when they have been brought to trial have been allowed to go free, not even excepting this same Leader Wm Walker, and this in despite of the praiseworthy endeavors of that most upright Magistrate Mr Campbell who presided; and in fine, that the purposes of the filibusters, confessed by their chief emissaries and recognized organs, would confound in one common ruin the five Central American States, bound together for the common defence, would it be possible, in conformity with truth, in discussing the exposition of the mischief in all its extension, to seek an efficacious remedy and to decide that the chief victims ought to become, or are willing to be responsible for injuries which either directly or indirectly such mischief may cause to foreigners? Would it be possible to treat of the invasion of Honduras as an isolated fact, by forgetting the terrible events in Nicaragua?

Identical proofs; and more than that: the acts of the Filibustering powers—in that Republic; the instructing to its agents; its relations and main spring of its resources in this country; the nature even of its acts, and the unequivocal tendency of its policy; all which is notorious and appears in contemporary writings which will serve for its history, leave no doubt in my mind of the existence of the conspiracy referred to, even excluding the reports and confidential opinions of respectable citizens of this country, worthy of all credit by their position, impartiality and stainless character, of which I am not permitted to make use; and with such conviction I should have thought myself failing to my duty and to truth by omitting a circumstance so leading in the exposition of the filibustering maneuvres, and I have limited myself to the indication of the fountains of my conviction, sufficient to my senses to authorize notice by their intrinsic value, without provoking a controversy the favorable result of which could not produce more effect than this well founded notice. Your Excellency knows how difficult it is to obtain direct legal evidence in matters of this class, and will admit that for me it would be almost impossible in the present case, and that the most satisfactory would only conduce to exciting the watchfulness of the Government—Would to Heaven that the directions Your Excellency has deigned to order to be car-

clusively the complete extinction of filibusterism! Meanwhile, permit me Y. E. in advance to present to you the expression of the high appreciation with which my Government will acknowledge promptitude in procuring the clearing up of the truth upon this point.

The solicitude of the Government of Costa Rica that the Government of Your Excellency may deign to devise in its wisdom a radical cure for evils of such grave transcendancy as those of filibusterism implies the recognition of the difficulties which must be overcome, and of the will to accomplish this, within the limits of possibility, and I can assure Y. E. that in presenting this I have had in consideration the facts upon which the reply of the Honorable Secretary dwells, to wit: that neutrality has been broken through all the world and in all times, as is now happening in Europe in relation to the Italian revolution, that the laws respecting it in the United States are more rigorous than those of other countries, and that the extension of their coasts and other circumstances are even more favorable to those who have interests in evading them.

I do not fear that the enlightened Government of Y. E. may confound the auxiliaries of the Italian people with the filibusters, as they are antipodal, altho' the one and the other may have violated neutrality: these expose their lives in a noble cause: for the liberty and nationality of a people, whose foreign rulers are the only persons in the contest who can be called filibusters; those march against friendly and unoffending nations with objects diametrically opposite.

For the rest, comparison only proves, that there is here a greater tendency to this crime, greater incitements and facilities, and consequently greater need for a more active remedy of so grave a mischief, which can be relied on through law, and should serve reciprocally as a means for judging of its efficacy—By following, to appearance, this rule, the Judge, most competent by his elevated position, knowledge, and experience, the most excellent the President of the United States, has doubted, at least as to the sufficiency of said laws, when after having examined them from their origin and taken account of the escapade of Walker, despite the strictest orders to prevent it, and after having been set at liberty upon insufficient bail, he addressed to Congress the following memorable language, "I commend the whole subject to the serious attention of Congress, believing that our duty and our interest, as well as our national character require that we should adopt such measures as will be effectual in restraining our Citizens from committing such

fested for their suppression, have been fully appreciated and thankfully received in Costa Rica, and these sentiments, which my Government will retain in grateful remembrance of the present Administration, have been necessary, combined with the good feeling of that people, and its just estimation of this in order that they might preserve, as they do preserve, the amicable sentiments which the filibusters have done all they possibly could to destroy.

I am gratified that justice is done to me by abandoning the supposition that I could have had in view the restriction of the liberty of the press in shewing the abuse of it made by the filibusters. If it were possible, I would not desire it— This reference entered into my plan for indicating the filibustering machinations, by profiting of the occasion to put your judgment and that of your Government on its guard against publications so unjust and so impassioned. Your Excellency understands that this abuse and injustice is reciprocal; and attributes the ill temper of this press against Central America to outrages committed there against Citizens of the United States; citing a fact of recent occurrence in Costa Rica. I have not the satisfaction of agreeing with the Honorable Secretary of State because I do not find terms of comparison of the spirit respectively of the publications to which allusion is made in those States and in these; because nothing has come to my notice which is directed against the United States or its Citizens, unless in the number those are counted which have been published against the adventurers: and because it is enough to compare the number of these, their activity and relative interests, and the importance of their hostile operations against Central America, with the Number of peaceful North American Citizens, and the importance of their legitimate undertakings in that region, to become convinced that the press in general has not been the echo of these, but of those whose passions, prepossessions and tendencies it has reflected.

I have nothing to say respecting the justice or injustice of the claims pending which must be submitted to the examination and decision of Commissioners on either part in conformity with the convention which awaits the ratification of the United States, except that Costa Rica is ready to proceed in the hope that by this means impartial justice will be done to the claimants, and will submit cheerfully to the decision, of arbiters, but I must observe that even from the point of view adopted by the Honorable Secretary the fault is not that of the Costa Ricans under arms in self defence but of the filibustering invaders of inoffensive nations; that all the claims referred to, with a single exception, spring from acts which it is said took place in

have taken to communicate the principal documents, for the Honorable Secretary of State omitted to take them under consideration without weighing against them that presumption in favor of its measures which every friendly Government has the right to ask; that of Costa Rica awaits from the uprightness of that of the United States, that in view of the impartial reports which it is to be believed will have been given by its distinguished Minister since he has returned to San José, and upon examining the case thoroughly it will become convinced that far from being an outrage, the proceeding against Dr. Hogan has been exceptional in his favor, besides being perfectly legal, and a proof of regard for his nationality which demonstrates the earnest desire of the present Government of that Republic to maintain its friendly relations with this Country.

The endeavors which the unfortunate ex-President Don Juan Rafael Mora made to recover power before and after the people had sanctioned repeatedly & solemnly, his destitution and banishment are notorious; and the nature of those endeavors proves that his partizans in Costa Rica had made him believe that, notwithstanding, he might count upon the cooperation of a majority of the inhabitants.

It is a fact that those very partizans by their machinations and the constant menace of the return of their Chief, kept the Government in continued alarm, destroying the tranquillity, and frequently interrupting the peaceful labors of an industrious people, which became exasperated upon being compelled to leave the plough for the musket, and it may be taken for sure that they sent some supplies to Mr. Mora, and invited him by giving him imprudent and illusory representations which dazzled them, and determining his landing in September last led him, with many other citizens worthy of a better fate, to a premature grave, leaving in the history of the country a blood stained page as a teaching of the terrible havoc of civil war.

It is more than a year since Dr. Hogan was prosecuted in a criminal case as one of the active patizans of the reaction, and subjected to charges of the utmost gravity with sufficient proofs to proceed upon; but there was no desire to touch his person, for reasons of policy, while the danger was remote; and in fact nothing was done untill afterwards in September last when the country was declared to be in a state of siege by legislative decrees N° 2 & N° 8 of that month in anticipation of the reactionary movement which without delay broke out at Punta Arenas.

The military authorities then proceeded against Dr Hogan as they would have proceeded against the most respectable citizen of Costa Rica, the Consul interposed, and the Government, out of deference to this country, ordered the cause to be proceeded with before the Judge in ordinary, until it reached

might judge proper, so that the Costa Rican Government, in making an exception favorable to Dr. Hogan as to the proceedings, reserved to itself the said entire powers in regard to the final decision. So the cause was followed up judicially, and was closed by the executive measure of banishment for three years pronounced on the 9 October last past. This measure is founded on the moral conviction which the cause of the complicity of Dr Hogan in the crime of rebellion produces, and on other grounds, which had they been formally set forth, as they might easily have been, would have brought the offender to condign punishment in conformity with Article 177 of the Penal Code. I refer to these carefully pondered considerations which sustained by the facts destroy the erroneous arguments, which, in the mind of my Government, Mr Consul Hine made officially and with partiality. In fact it is as sure that the whole civilized world recognizes the hard necessity of applying to extraordinary times of armed revolution extraordinary proceedings & laws, as it is that the treaties of Costa Rica do not except from them any foreigners whatever.

These principles are expressly recognized in the same article of the treaty between Costa Rica and France, by reason of which notice was given of the cause and measures taken to Mr Hine, and if he had been impartial he would have acknowledged that three depositions of Officers of the Army who Dr Hogan was persuading to a betrayal of the Government and in favor of the rebellion are, in extraordinary times when order is in danger, a grave motive, and more than in intimation, by force of which, proceedings might be taken executively in conformity with the treaty itself.

Besides, Dr. Hogan having lived many years in the country, and married a Costa Rican, could not refrain from taking part in its internal policy, and has done so repeatedly; sometimes in the service of the government, at other times, in opposition, and in attempts at revolution as happened under the Mora Administration, for which he was also condemned to exile, altho' the order was not executed because the offender obtained an especial pardon.

Like circumstances occur in regard to Dr. Hine, and destroy his impartiality as Consul, because naturally he would declare for the party of the family with which he is allied; for which reason, I have instructions, that, desiring to avoid unpleasant incidents, and using the latitude of discretion left to me, I comply with by placing the complaint before Your Excellency, that you may please to forewarn the said Consul to abstain from meddling with internal politics, and that he submit himself in this respect strictly to that which, in conformity with international law, the Consular Regulations of the United States provide.

In the last place, I think that I can give in relation to the banishment of

Dimitri [Dimitry], that it gives no ground for claim; that my Government has acted legally, and under guidance, as ever, of a spirit of friendship and deference towards that of the United States.

I can say nothing in this relative to claims against Nicaragua, nor about those which may exist, but have not come to my knowledge against Honduras; and thanking the Honorable Secretary of State for the important data which, the note, I reply to, contains respecting the dispositions of the inhabitants of the Bay Islands, data which my Government will consider with the attention which their origin deserves, I proceed to explain, as there is no essential contradiction between them, and my note of the 2d October, save the reports which have satisfied the Honorable Secretary of State; but of which I have no knowledge, that "invitations were sent by influential individuals of Ruatan to persons in this country to go there to assist the people in the resistance which was thought of against the transfer to Honduras".

It is not hidden from me that the inhabitants of Ruatan made a peaceful opposition to the conclusion of the treaty, from repugnancy to the transfer; and therefore I spoke only of resistance in its primary acceptation, of resolution to declare itself independent, and of petition for aid from the filibusters on the part of the inhabitants of Ruatan in general, resting principally on the report of the Honduran Commissioner Mr Tomas Vargas, which bears the stamp of candor and of truth; and refers to the State of opinion in that Island at the very time when the filibusters were preparing their invasion of Honduras. By this report it appears that such inhabitants solicited guaranties from Honduras, not as a condition nor by way of threat, but manifesting acquiescence in the devolution, and the following passages occur "I have been assured that when the devolution became known the American Adrian and two or three others proposed to take the initiative for declaring themselves independent, but opportunely this was opposed by all; and further on, giving his opinion, the Commissioner adds "from what is said it comes to our knowledge that the inhabitants of the Islands of the Bay, are not those who made pretention of opposing themselves to the transfer, but that all was the thought of the party of adventurers which had introduced itself there".

What is stated is enough to manifest the meaning of my expressions in this regard and their foundation; but even admitting that the aforementioned inhabitants, excited by some filibusters previously established there, had resolved on resisting the treaty by force, and called other filibusters to their aid, the fact would not weaken but rather reinforce my argument, just the same as the abuse which they made of passing events by exaggerating

contracted an obligation to admit a right of passage and made concessions of the greatest importance, nor would he have doubted what they could be, if he could have fixed his attention upon the following expressions, "settled in principle, and in part practically", which designate as well those which are pending with the United States, as those which are perfected with England and France, which concessions speak for themselves, and are, right of transit; exterior ports free; exemption from duties upon their property, upon public mails, & upon passengers, and besides in those of Nicaragua the privilege of landing troops at discretion when it is deemed of urgency for the protection of their respective citizens. Such concessions appear to me to be of the greatest weight and importance, and if they do not deserve ratification I do not know what can deserve it. In my opinion the said treaties affect the five States of Central America for the reasons above indicated, and especially and more than the other contracting parties, the State of Costa Rica, conterminous and coproprietor with Nicaragua along the line of transit; and, already exchanged with the powers referred to, I consider them settled in principle, under the same conditions, with all other nations of the civilized world; and most particularly with the United States, whose Government has forwarded them, and with whose policy and wishes it is to be presumed they are in accordance.

It remains for me to repeat in relation to the declaration in my note of the 2d of October, that I have not spoken, except in the name of and by instructions from the Governments which I represent, Costa Rica, Honduras, and Nicaragua, that they are among themselves allies and sisters as well as with Salvador and Guatemala, as is of historic notoriety, & appears in the diplomatic correspondence above cited, and is so natural considering their antecedents and geographical position, that often times their reunion has been counselled under a Government which should have charge of the common interests— In the national war of Nicaragua, forces from the five Republics mentioned cooperated, and by the force of situation, and by reciprocal compromises, in which Costa Rica bore part, I am not permitted to doubt that all would equally cooperate in the defence of the territory of any one of them should it be invaded. The forces of Costa Rica will act outside of her proper territory and as the pending claims against that Government are for events which occurred in Nicaragua the declaration ought to have embraced the case.

I am gratified now to withhold in this matter[1] upon information that it may be considered as settled by agreement on both sides, by the following

interests committed in any other territory than its own, if we shall have cause to complain of any violation of our conventional or international rights in Costa Rica or Nicaragua, we shall look to the Governments of those countries respectively for such redress as we may believe we are fairly entitled to.

With special satisfaction I complied with the commendation to communicate this to my Government, supposing the rule to be the same for all, and I do not hesitate to accept it in its name at once and without restriction.

The declaration of Costa Rica being thus simplified, and noticing that reference is made to *extraneous acts*, which she cannot *avoid* (extraneous acts which she cannot *prevent*, instead of *foresee* as translated) is reduced to the two following points—1st if the Filibusters should invade her Territory, and should kill, rob or do other evil to foreigners; and 2d if to repel invasion, she would have to close one or more of her ports; interrupt communication between one point and other of her territory, or restrict the freedom of trade, or of the people, or erect a fortress as is customary in case of War, and from this injury and damage, to foreigners should follow, Costa Rica will not hear of claims in their behalf, because she considers herself in law freed from any responsability.

With the preceding explanations and in these terms I reiterate the request of my anterior note, hoping that the Government of the United States will deign to entertain it favorably.

Begging Your Excellency to excuse the unavoidable lengthiness of the present, I have the honor [etc.].

1578

Luis Molina, Nicaraguan Chargé d'Affaires at Washington, to Jeremiah S. Black, Secretary of State of the United States[1]

WASHINGTON, *January 3, 1860 [1861?]*.

SIR: The Government of Nicaragua highly appreciating the noble motives of Captain Hiram Paulding of the United States Navy, and the great service he did to the good people of that commonwealth, when he captured the violators of the laws of his own, who happened to be the lawless invaders of that country, at San Juan del Norte, on the 8th of December 1857; deter-

[1] Note from Central America; Received January 7

mined by two Legislative resolutionts of March ultimo to offer Captain Paulding: a vote of thanks, a sword of honor, and a tract of the public lands.

This gratifying intelligence did not reach my hands, in an official form, until the middle of July, too late for immediate action, a circumstance which induced me to delay the honor, I now have, of imparting it to the Honorable Secretary of State, in the hope that his kind influence may be exerted in obtaining for that worthy Officer the requisite permission to accept said mark of gratitude.

I avail myself of this occasion [etc.].

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